

HUMAN RIGHTS WATCH

"All You Can Do is Pray"

Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State

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Map of Arakan State, Burma I

Summary and Key Recommendations 1

Methodology 19

Chronology of Events: May 2012-April 2013 21

I. Promoting Ethnic Cleansing: June-October 2012 24

Appeals for Ethnic Cleansing of Muslims 24

Impact of Economic Isolation 30

Response of Security Forces and Officials in Arakan State 34

Mass Arrests and Ill-Treatment of Detainees 36

Destruction of Homes and Mosques 40

Collusion and Coercion to Forcibly Displace Muslims 42

II. Coordinated Attacks and Abuses Against Muslims in Arakan State: October 2012 47

Massacre in Yan Thei Village 49

Killings by Security Forces 53

Government Failure to Protect 57

Beatings and Other Abuses by Security Forces 61

Satellite Imagery Showing the Scope of the Destruction 64

III. Mass Graves 65

Mass Graves at Yan Thei Village, Mrauk-U Township 65

Mass Grave on Thackabyin Road 66

Mass Graves Outside Ba Du Baw IDP Camp 69

Bodies Taken by State Security Forces 71

IV. Post-October Abuses 72

Rohingya Flight from Arakan State 72

Tightened Restrictions on Rohingya 77

V. The Response from Naypyidaw 83

VI. Humanitarian Concerns **87**
Access to Aid and Restrictions on Movement 91
Risks to Humanitarian Relief 96
Secondary and Tertiary Forced Displacement 102
Obstacles to Return 105

VII. Denial of Citizenship **109**
Citizenship 109
Nationality 114

VIII. Legal Standards: Crimes Against Humanity and Ethnic Cleansing **117**
Crimes Against Humanity 117
Deportation and Forced Population Transfers 118
Persecution 123
"Ethnic Cleansing" 124
Right to Return Home 125
Right to Redress 127

IX. Recommendations **130**
To the Government of Burma 130
Justice and Accountability 130
Humanitarian Aid and Access 131
Prevention of Human Rights Violations 131
Treatment of Internally Displaced Persons 132
Citizenship 132
National Census 132
To the Neighboring States of Thailand, Malaysia, and Bangladesh 133
To Concerned Governments, including Australia, Canada, Japan, US, and EU Member States: 133
To United Nations Agencies and the Donor Community: 134
To the World Bank, Asian Development Bank, and Other Donors: 135

Acknowledgments **136**

Appendix I: History of Violence and Abuse against Rohingya **137**

Appendix II: Reply from the Burmese Government to Questions Submitted by Human Rights Watch to President Thein Sein – March 27, 2013 .... **145**

Appendix III: Letter with Questions from Human Rights Watch to President Thein Sein – January 29, 2013 .... **153**

Glossary of Terms **157**



In June 2012, a series of violent crimes in Ramri, Toungop, and Maungdaw led to widespread violence, abuse, and displacement of Muslim communities in four townships. In the months that followed, Buddhist monks, political party operatives, and government officials organized themselves to permanently change the ethnic demographic of the state.

In late October 2012, Arakanese mobs waged coordinated attacks against Muslim villages in nine townships throughout the state, committing killings, burning down entire Muslim neighborhoods, and displacing tens of thousands more Muslims.

Summary and Key Recommendations



The riverine Rohingya village of Zailya Para in Minbya Township burns after attacks by Arakanese mobs in October 2012.



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A police officer points his rifle at street level in Sittwe in June 2012. The government claims a total of 211 people died in the June and October violence; Human Rights Watch research indicates far greater loss of life.

The deadly violence that erupted between ethnic Arakanese Buddhists and Rohingya Muslims in early June 2012 in Burma's Arakan State began as sectarian clashes in four townships. When violence resumed in October, it engulfed nine more townships and became a coordinated campaign to forcibly relocate or remove the state's Muslims.

The October attacks were against Rohingya and Kaman Muslim communities and were organized, incited, and committed by local Arakanese political party operatives, the Buddhist monkhood, and ordinary Arakanese, at times directly supported by state security forces. Rohingya men, women, and children were killed, some were buried in mass graves, and their villages and neighborhoods were razed. While the state security forces in some instances intervened



to prevent violence and protect fleeing Muslims, more frequently they stood aside during attacks or directly supported the assailants, committing killings and other abuses. In the months since the violence, the Burmese government of President Thein Sein has taken no serious steps to hold accountable those responsible or to prevent future outbreaks of violence.



A group of Arakanese with weapons approach a Muslim village already in flames. Sittwe Township, Arakan State, June 2012.

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The violence since June displaced at least 125,000 Rohingya and other Muslims, and a smaller number of Arakanese, to internally displaced person (IDP) camps. Many of the displaced Muslims have been living in overcrowded camps that lack adequate food, shelter, water and sanitation, and medical care. Security forces in some areas have provided protection to displaced Muslims, but more typically they have acted as their jailers, preventing access to markets, livelihoods, and humanitarian assistance, for which many are in desperate need.

In the Aung Mingalar area of Sittwe, the Arakan State capital, the government has imposed such severe restrictions on the remaining Muslim residents that they are effectively locked up in their own neighborhood. United Nations officials have been denied access to them.

Human Rights Watch traveled to Arakan State following the waves of violence in June and October, going to the sites of attacks. We also visited every major IDP camp as well as numerous unofficial displacement sites and communities now hosting Muslim displaced persons. This report draws on over 100 interviews conducted during those visits with Rohingya and non-Rohingya Muslims and Arakanese who have suffered or witnessed abuses and been displaced, as well as some organizers and perpetrators of violence. We also spoke with diplomats, United Nations officials, and humanitarian aid workers. Human Rights Watch's focus was on the five townships that experienced the greatest violence and abuses in June and October, where property destruction and



An overpopulated IDP camp outside Sittwe. Tens of thousands of Rohingya who fled their homes in June 2012 now reside in such camps. The government constructed semi-permanent shelters in some camps, raising concerns about the government's willingness to respect the rights of the displaced persons to return home.

arson were so widespread that the damage was visible in satellite images.

The sectarian violence in June was sparked by the rape and murder on May 28, 2012 of a 28-year-old Arakanese woman by three Muslim men in Ramri Township. On June 3, a large group of Arakanese villagers in Toungop town, southeast of Ramri, stopped a bus and beat and killed ten Muslims who were on board. Violence between Arakanese Buddhists and Rohingya intensified, with mobs on both sides committing killings and arson. Both communities' populations suffered and thousands fled their homes. While the state security forces initially did nothing to halt the violence, they soon joined in with Arakanese mobs to attack and burn Muslim neighborhoods and villages.

The violence in October was clearly much more organized and planned. For months, local Arakanese political party officials and senior Buddhist monks publicly vilified the Rohingya population and described them as a threat to Arakan State. On October 23, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails, and other weapons descended upon and attacked Muslim villages in nine townships throughout the state. State security forces either failed to intervene or participated directly in the violence. In some cases attacks occurred simultaneously in townships separated by considerable distance.

In the deadliest incident, on October 23 at least 70 Rohingya were killed in a massacre in Yan Thei village in Mrauk-U Township. Despite advance warning of the attack,



A group of Rohingya men and boys, arrested and held in Sittwe by the authorities for alleged involvement in violence. Hundreds of Rohingya have been arrested in violent sweeps of Rohingya communities—many have been held incommunicado for months.





A Rohingya family at the "unregistered" IDP site known as Ohn Taw Gyi, or the "coconut garden," prepares locally gathered plants to eat. They are facing food shortages because the government does not permit humanitarian agencies to deliver aid to thousands of displaced who are not registered in official IDP sites.

only a small number of riot police, local police, and army soldiers were on duty to provide security. Instead of preventing the attack by the Arakanese mob or escorting the villagers to safety, they assisted the killings by disarming the Rohingya of their sticks and other rudimentary weapons they carried to defend themselves.

"First the soldiers told us, 'Do not do anything, we will protect you, we will save you,' so we trusted them," a 25-year-old survivor told Human Rights Watch. "But later they broke that promise. The Arakanese beat and killed us very easily. The security did not protect us from them."

The violence in Yan Thei began at 6:30 a.m. and lasted all day until army reinforcements arrived and finally intervened at 5 p.m. Included in the death toll were 28 children who were hacked to death, including 13 under age 5.

Satellite images obtained by Human Rights Watch from just 5 of the 13 townships that experienced violence since June 2012 show 27 unique zones of destruction. Images of affected areas in Sittwe, depicting destruction that occurred in June 2012, show 2,558 destroyed structures. Those from 4 of the 9 townships that experienced violence in October show 2,304 destroyed structures. This partial picture of the violence means that at least 4,862 structures were destroyed in Arakan State since June, altogether covering 348 acres of mostly residential property.



CRIMES AGAINST HUMANITY AND ETHNIC CLEANSING

Two mass graves shown to Human Rights Watch outside Ba Du Ba Rohingya IDP camp, Sittwe. On June 13 the police dumped 18 Rohingya bodies displaying horrific wounds, including one child and some men whose hands and feet were bound. Local residents buried the bodies here.

The criminal acts committed against the Rohingya and Kaman Muslim communities in Arakan State beginning in June 2012 amount to crimes against humanity carried out as part of a campaign of ethnic cleansing. Under international law, crimes against humanity are crimes committed as part of a widespread or systematic attack on a civilian population. The attack must be against a specific population and part of a state or organizational policy. Non-state organizations – including political parties and religious bodies – can be responsible for crimes against humanity if they have a sufficient degree of organization.

"Ethnic cleansing," though not a formal legal term, has been defined as a purposeful policy by an ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.

United Nations bodies have long acknowledged deportation, forced population transfers, and other abuses against Rohingya in Arakan State. Since the 1990s, UN special rapporteurs have identified these abuses in terms indicating the commission of international crimes, referring to the abuses as "widespread," "systematic," and resulting from "state policy." The events of 2012 provide strong new evidence of such crimes.

The evidence indicates that political and religious leaders in Arakan State planned, organized, and incited attacks against the Rohingya and other Muslims with the intent to drive them from the state or at least relocate them from areas in which they had been residing – particularly from areas shared with the majority Buddhist population. While more moderate voices exist within the political and religious establishment in Arakan State, they were and remain sidelined.

A great deal of local organizing preceded and supported October's violence. Arakanese political parties, monks' associations, and community groups issued numerous anti-Rohingya pamphlets and public statements. Most of the public statements and pamphlets explicitly or implicitly deny the existence of the Rohingya ethnicity, demonize them, and call for their removal from the country, even sometimes using the phrase "ethnic cleansing." The statements frequently were released in connection with organized meetings and in full view of local, state, and national authorities who raised no concerns.

Prior to the October violence, local authorities took various measures that appeared to promote anti-Rohingya hatred and encourage Rohingya to move from their homes. In Pauktaw, for example, local government officials and members of the Rakhine Nationalities Development Party (RNDP) – the dominant ethnic Arakanese party in Arakan State – held several meetings to press Rohingya to leave the area. On October 18, just days before the renewed violence in the state, the All-Arakanese Monks' Solidarity Conference was held in Sittwe. The monks, who hold very high moral authority among the Arakanese Buddhist population, issued a virulently anti-Rohingya statement that urged townships to band together to "help solve" the "problem." According to local Rohingya, the attacks that occurred on October 23 appeared to involve many Arakanese who were not from the immediate area.

Since June, local authorities, politicians, and monks have acted, often through public statements and force, to prevent the Rohingya and Kaman populations in their midst from conducting ordinary day-to-day activities. They have denied Muslims their rights to freedom of movement, opportunities to earn a living, and access to markets and to humanitarian aid. The apparent goal has been to coerce them to abandon their homes and leave the area.

"The RNDP leaders were giving the orders to the people," said a displaced Rohingya man, 27, from Pauktaw. "In one group there were 20 people [Arakanese] and they were ordered to secure the area around our village. If any food entered to the Rohingya part of the village they would stop it."



Crimes against humanity included killings, forcible population transfers and deportation, persecution, and other violence that were widespread, systematic, and directed at the Muslim population. The many public statements and



Local Arakanese dismantle and loot the site of a destroyed mosque in Sittwe, June 2012.



The body of a Rohingya man killed with his hands bound. The body was one of 18 Rohingya corpses, including that of a boy, dumped by police outside Sittwe on June 13. All the bodies showed grievous wounds. Police ordered local residents to bury the bodies in a mass grave that was shown to Human Rights Watch.

documents from political and religious leaders demonstrated a policy of committing crimes against humanity. The use of terror-inspiring tactics by Arakanese mobs shows intent to commit ethnic cleansing.

Burmese state involvement in the crimes appears to have been both direct and indirect. While much of the violence appears to have been carried out by mobs with weapons, various branches of the state security forces stood by and did nothing to provide security for attacked Muslims and at times participated directly in the atrocities – this includes the local police, Lon Thein riot police, the inter-agency border control force called Nasaka, and the army and navy.

Human Rights Watch found no indications that the Burmese government has seriously investigated or taken legal action against those responsible for planning, organizing, or participating in the violence either in June or October. This absence of accountability lends credence to allegations that this was a government-supported campaign of ethnic cleansing in which crimes against humanity were committed. Security forces have actively impeded accountability and justice by overseeing or ordering the digging of mass graves, or by digging mass graves themselves, in some cases after killings involving state security forces.

For instance, on June 13, a government truck dumped 18 naked and half-clothed bodies near a Rohingya IDP camp outside of Sittwe, which local Rohingya buried in two mass graves. None of the bodies were identified. Local residents took photographs showing some victims who had been "hogtied" with string or plastic strips before being executed. By leaving the bodies near a camp for displaced Rohingya, the soldiers were sending a message – consistent with a policy of ethnic cleansing – that the Rohingya should leave permanently.

"They dropped the bodies right here," said a Rohingya man, who saw the bodies being dumped and later buried. He told Human Rights Watch: "Three bodies had gunshot wounds. Some had burns, some had stab wounds. One gunshot wound was on the forehead, one on the chest. Two men's hands were tied at the wrists in front and another one had his arms tied in the back."

Witnesses also said they saw several Burmese army soldiers digging a large mass grave on June 14, with trucks full of dead bodies, on a road outside a Rohingya IDP camp near Sittwe.

THE HUMANITARIAN CRISIS

Arakan State is now in the midst of a major humanitarian crisis. While the Burmese government has hosted high-profile diplomatic visits to displacement sites in an apparent show of commitment to the needs of those affected by the violence, it has simultaneously obstructed the delivery of humanitarian aid, leading to an unknown number of preventable deaths. Tens of thousands of Rohingya have fled the country by sea with hopes of reaching Bangladesh, Malaysia, or Thailand, and many thousands more appear ready to do the same.

The humanitarian situation in Rohingya IDP sites throughout the state remains dire, even in the larger camps populated by those displaced in June 2012. Tens of thousands of Rohingya are currently not receiving adequate assistance. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), thousands of children are at risk of dying from acute malnutrition, while tens of thousands are without sufficient shelter, food, water, and sanitation.

Nearly every IDP site suffers disturbing inadequacies, though the particulars vary from site to site. Many Muslim IDPs have been living in overcrowded tent camps, others in "semi-permanent" structures, and some have had no shelter or basic aid at all, in full knowledge of the Burmese authorities. Meanwhile, the relatively few sites populated by displaced Arakanese have been well provided for by local and national government programs, and are supported by national TV and radio fundraising drives that secure donations from Burmese society only for displaced Arakanese.

The deep and widespread animosity among the local Arakanese community toward the UN agencies and international organizations providing relief to displaced Muslim populations has provided another serious obstacle to the delivery of humanitarian aid. Arakanese residents and Buddhist monks have protested against international aid for Rohingya, physically blocked aid deliveries, and threatened aid workers. The state security forces have done little to end the obstruction.

The government has also continued to prevent international aid organizations from resuming some programs that existed prior to the onset of the violence in June. This has had a very negative humanitarian impact on the Muslim populations, particularly in the northern part of the state.

The Rohingya: A History of Persecution

Violence between Buddhists and Muslims in Arakan State dates back many decades. The contemporary conflict can be traced at least to the Second World War, when the Rohingya remained loyal to the British colonial rulers, and the Arakanese sided with the invading Japanese. Clashes between Arakanese and Rohingya have occurred ever since. While both populations have faced oppression by successive

Burmese governments after independence in 1948, governments in the predominantly Buddhist country have routinely persecuted and forcibly displaced the Rohingya population, altering the ethnic profile of Arakan State.

In 1978, the Burmese military drove over 200,000 Rohingya out of the country in a bloody rampage of killings, rape, and arson. The military repeated its anti-Rohingya campaign in 1991 with a wave of attacks that forced over 250,000 Rohingya to flee to Bangladesh. Many of those were ultimately forced back to Burma – to northern Arakan State, where the Burmese government has sought to concentrate the Rohingya away from Arakanese-dominated parts of the state, and has subjected them to a battery of restrictive regulations and denial of rights.

Violence against Muslims in the state has continued over the years. In 2001, Arakanese mobs attacked Rohingya in Sittwe, destroying mosques and schools while state security forces stood by and watched.

Central to the persecution of the Rohingya is the 1982 Citizenship Law, which effectively denies Burmese citizenship to Rohingya on discriminatory ethnic grounds. Because the law does not consider the Rohingya to be one of the eight recognized "national races" (along with ethnic Burmans, Arakanese, Karen, and other groups), which would entitle them to citizenship, they must provide "conclusive evidence" that their ancestors settled in Burma before independence in 1948, a difficult if not impossible task for most Rohingya families. Kaman Muslims, as a legally recognized ethnic group, are Burmese citizens.

The government, and Burmese society more broadly, openly considers the Rohingya to be illegal immigrants from what is now Bangladesh and not a distinct "national race" of Burma, denying them consideration for citizenship. Official statements refer to them as "Bengali," "so-called Rohingya," or the pejorative "kalar."

Despite claims that virtually all Rohingya are "Bengali," most Rohingya in Burma were born in the country, many to families whose lineage goes back several generations. The government has made use of this denial of citizenship to deprive Rohingya of many fundamental rights. Rohingya face restrictions on freedom of movement, education, marriage, and employment – rights that are guaranteed to non-citizens as well as citizens under international law. Various other human rights violations have accompanied the persecution of the Rohingya over the years, including arbitrary detention, forced labor, rape, torture, forcible relocations, and other abuses. While the Burmese government and military has similarly mistreated the Arakanese population over the years, the oppression and abuse of the Rohingya in Arakan State has been particularly severe.

Since the June violence, thousands of Rohingya asylum seekers have attempted to flee from Burma to Bangladesh, crossing the Naf River or finding alternative routes by sea. The Bangladeshi government closed its borders, forcing asylum seekers back to sea on barely seaworthy boats in violation of its international legal obligation not to return someone to a place where they face persecution. Thailand has similarly "helped on" thousands of Rohingya asylum seekers since June, in some cases following a policy to provide boats with supplies to continue their voyage to Malaysia, but in other cases pushing them back to sea or handing them over to human traffickers.

RESPONSE FROM NAYPYIDAW

A month after the June violence, on July 12, President Thein Sein called for "illegal" Rohingya to be sent to "third countries." Since most Rohingya, even those whose families have resided in Burma for generations, lack formal legal status, the president's language implied that the great majority of Burma's Rohingya did not belong in the country.

The president's statement has had consequences in Arakan State. It continues to be invoked by Arakanese community leaders who view expulsion of Rohingya from Burma as an appropriate political solution. But this notion extends beyond the Arakanese population and dominates thinking in much of Burmese officialdom and society. It is even reflected in the statements and actions of some of Burma's prominent democracy activists, including opposition leader Aung San Suu Kyi.

Even in the absence of further attempts to drive Rohingya from the country or keep them in displacement camps away from their homes, there are serious concerns that the government seeks to segregate the Buddhist and Muslim populations in Arakan State, facilitating the deprivation of fundamental rights of the largely stateless Rohingya.

On August 17, Thein Sein established a 27-member "investigative commission" to "reveal the truth behind the unrest" and "find solutions for communities with different religious beliefs to live together in harmony." On August 25, he accused local forces in Arakan State of fueling the violence, saying, "Political parties, some monks, and some individuals are increasing the ethnic hatred." Nonetheless, no serious measures have been taken in Arakan State to hold accountable those responsible for the violence since June, or take effective steps to prevent groups from further engaging in sectarian violence. And it is unclear to what extent the commission's long-delayed report will provide details on responsibility for abuses and address broader issues of citizenship, humanitarian aid, and accountability.

Following the violence in October, the president's office issued ominous allegations that "persons and organizations" were responsible for manipulating the incidents "behind the scene[s]," adding that they "will be exposed and legal actions

will be taken against them." The president has not followed up on this statement, and subsequent press releases from the government in October and December denied any role of state security forces in the violence.

Perhaps in response to growing international concerns, Thein Sein subsequently offered a more helpful response to the situation. In a November 16 letter to the UN Secretary-General Ban Ki-moon, he condemned the "criminal acts" that led to the "senseless violence" in Arakan State and noted that "once emotions subside on all sides" his government was prepared to " … address contentious political dimensions, ranging from resettlement of displaced populations to granting of citizenship ... [to] issues of birth registration, work permits, and permits for movement across the country for all, in line with a uniform national practice across the country ensuring that they are in keeping with accepted international norms."

This message was reiterated in a statement released on November 18, prior to US President Barack Obama's visit to Burma – the first-ever visit to Burma by a sitting US president.

Since then, however, the government has taken no significant steps to address these issues, or even to provide a roadmap for the way forward. In the meantime, violence against Muslims in Burma has spread beyond Arakan State. Between March 20 and 22, mobs of Buddhists, led in some instances by Buddhist monks, attacked Muslims in Meiktila, Mandalay Region, following weeks of incitement through anti-Muslim sermons by members of the Buddhist monkhood. An estimated 40 were killed and 61 were wounded, and the destruction of Muslim property, businesses, and places of worship was clearly visible from satellite imagery. According to a needs assessment released by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), over 12,000 people were displaced by the violence in Meiktila and are in shelters around the town. After the Burma army ended the violence in Meiktila on March 23, anti-Muslim violence spread elsewhere in central Burma, including Okpho, Gyobingauk, and Minhla townships of Pegu Region. Soldiers reportedly fired warning shots in the air to disperse protesters in Pegu, and the government placed another nine townships in Burma under emergency provisions or curfew, limiting public assembly.

In response to the spread of anti-Muslim violence, the UN Special Rapporteur on human rights in Burma, Tomas Ojea Quintana, said he received reports of state involvement in some of the violence, adding: "This may indicate direct involvement by some sections of the State or implicit collusion and support for such actions."

Understandably, most of the Muslims in Arakan State interviewed by Human Rights Watch expressed desperation and hopelessness as to their current situation and future. The authorities have done little to reverse their plight. When mobs of Arakanese were destroying a Muslim quarter of Kyauk Pyu Township in October, one displaced Muslim man asked an army soldier for protection. Capturing what many Muslims in the state already believe, the soldier replied: "The only thing you can do is pray to save your lives."

KEY RECOMMENDATIONS

TO THE GOVERNMENT OF BURMA

- Fully, promptly, and impartially investigate those responsible for serious abuses in connection with the violence in Arakan State and prosecute them fairly to the fullest extent of the law, regardless of rank or position.
- Revise legislation as necessary and ensure that state practice upholds the equal rights of Rohingya and other Muslims in Burma in accordance with international human rights law.
- Immediately lift all unnecessary restrictions on freedom of movement of the Rohingya population; ensure they are able to pursue livelihoods, purchase essentials, and return to their homes and recover property; and provide them protection as needed. Ensure that returns of displaced persons and refugees take place in accordance with international standards, on a voluntary basis with attention to the safety and dignity of the returning population.
- Provide safe and unhindered humanitarian access for UN agencies and international and national humanitarian organizations to all affected populations and detention facilities in Arakan State.
- Agree to the establishment of an independent international mechanism to investigate serious violations of international human rights law, including possible crimes against humanity, committed by security forces and non-state actors in Arakan State.
- Permit the UN special rapporteur to conduct an independent investigation into abuses in Arakan State and support efforts to establish an OHCHR office in Burma with a full protection, promotion, and technical assistance mandate, and sub-offices in states around the country, including Arakan State.
- Urgently amend the 1982 Citizenship Act to eliminate provisions that are discriminatory or have a discriminatory impact on determining citizenship for reasons of ethnicity, race, religion or other protected status. Ensure that Rohingya children have the right to acquire a nationality where otherwise they would be stateless.

Methodology

Human Rights Watch conducted research for this report in Burma and Bangladesh in June and July 2012, and in Burma in October and November 2012, and continued to closely monitor the situation through the time of writing. The report is based on 104 interviews with individuals who witnessed or were otherwise directly affected by the violence in June and October 2012, and at least 10 group interviews with Rohingya, Kaman, and Arakanese, encompassing over 100 additional persons. The individual interviews overall comprised 54 Rohingya, 34 Arakanese, and 9 Kaman, as well as additional interviews with aid workers and others. Human Rights Watch visited more than 20 displacement sites, including informal camps for internally displaced Arakanese and Rohingya, and formally established internally displaced person camps for Rohingya and Kaman.

Interviews were conducted in Burmese, Arakanese, and Rohingya languages with English interpretation. In a few cases, we conducted interviews directly in English.

While the Burmese authorities are beginning to allow media and nongovernmental organizations to conduct research or monitor human rights issues inside violence-affected areas, access to many areas is still difficult and replete with security challenges. Moreover, researching human rights in Burma continues to be a difficult undertaking because of surveillance of the population by agents of the state and the risk of government retaliation against victims or others who provide information to researchers. Researching human rights abuses against Muslims brings an added risk of retaliation from local Buddhist communities in Arakan State opposed to such research.

Because of possible reprisals, the names of the victims, witnesses, and the precise dates and locations of interviews have been withheld. Pseudonyms are used for all interviewees named in this report, and interviews are cited with initials that do not reflect the actual initials of those interviewed. In some cases, other identifying information has been withheld in the interest of protecting confidentiality.

All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. All provided oral consent to be interviewed. None received compensation.

Between June and December 2012, Human Rights Watch also consulted and interviewed numerous UN and NGO staff members; national, regional, and local politicians; democracy activists, and local and international journalists who provided additional information about the situation in Arakan State. We also drew on a number of secondary sources including UN reports, academic studies and other publications, previous Human Rights Watch reporting, and other NGO reports.

In this report Human Rights Watch uses the terms "Burma" in reference to the country and "Arakan State" in reference to the state in question. The Burmese government refers to the country as "Myanmar" and the state as "Rakhine State," reflecting name changes implemented by the military government that seized power in 1989. As such, Human Rights Watch refers to the Buddhist ethnic population as Arakanese while the Burmese government refers to them as Rakhine. All of these terms are used within Burma. The 2008 Constitution also changed the administrative areas called "Divisions" to "Regions," so for example Pegu Division became Pegu Region after March 2011 when the constitution came into force.

Chronology of Events: May 2012-April 2013

May 28, 2012: Three Muslim men rape and murder Thida Htwe, a 28-year-old Arakanese Buddhist woman in Kyaw Ne Maw village, Ramri Township. Police arrest them and later report that one of the men committed suicide in police custody. The remaining two are brought to court, found guilty, and sentenced to death.

June 3: Hundreds of Arakanese surround a bus carrying Muslim travelers at a government checkpoint in Toungop, Arakan State. Ten Muslims are forced off the bus and beaten to death while nearby police and army soldiers look on but do not intervene to stop the violence.

June 7: The government appoints a 16-person committee to investigate the cause of the June 3 massacre of the 10 Muslims in Toungop, chaired by Deputy Minister of Home Affairs Kyaw Zan Myint. Tasked with reporting to the president by June 30, the committee has yet to publish any findings.

June 8: Residents riot in a predominantly Rohingya Muslim area of Maungdaw Township, Arakan State, burning Arakanese homes and killing an unknown number of Arakanese.

June 8-12: Violence spreads to Sittwe Township, where Arakanese and Rohingya clash in arson attacks and killings. State security forces fail to intervene to stop the violence or protect either side, and in some cases participate in the violence against Muslims. Security forces begin a crackdown on Muslims, displacing about 100,000 people from their homes, including 75,000 Muslims. They conduct forcible mass arrests of Rohingya men and boys throughout the state. Hundreds of Rohingya are detained incommunicado.

June 10: President Thein Sein calls a state of emergency in Arakan State, putting the armed forces in charge of restoring order and instituting a curfew in several townships throughout the state.

June-October: Local Arakanese political leaders and Buddhist monks urge the economic and social isolation of Muslims, and some make explicit calls for the "ethnic cleansing" of Muslims from the area.

July 6: The UN announces that the government has detained 10 Rohingya aid workers from UN and international humanitarian agencies. At this writing, five remain detained without being publicly charged.

July 12: President Thein Sein says the "only solution" for the situation in Arakan State is to expel "illegal" Rohingya to other countries or to camps overseen by the UN High Commissioner for Refugees (UNHCR), implying camps in Bangladesh. UNHCR quickly rejects the proposal.

August 2: Foreign Minister Wunna Maung Lwin accuses outsiders of "politicizing" the unrest, saying the government "strongly rejects the accusations made by some quarters that abusive and excessive uses of force were made by the authorities in dealing with the situation."

August 17: Thein Sein establishes a 27-member commission "to reveal the truth behind the unrest" and "find solutions for communities with different religious beliefs to live together in harmony." He states in a report to parliament: "Political parties, some monks, and some individuals are increasing the ethnic hatred."

September 22-23: The government hosts a two-day workshop in Naypyidaw on the situation in Arakan State. Vice President Sai Mauk Kham attributes the situation in the state to a lack of economic development: "Only when the socio-economic life of both sides [is] improved can the two societies stay together."

October 21-24: Violence erupts nearly simultaneously in nine townships throughout Arakan State with attacks against Rohingya and Kaman Muslims. Approximately 40,000 are displaced. State security forces again fail to intervene, and many participate in violence against Muslims. Among the dead are at least 70 Muslims massacred in Mrauk-U, including 28 children.

October 25: The president's office states that "riots erupted … unexpectedly," and that only 12 people were killed. The office holds "persons and organizations" responsible for "conducting manipulation in the incidents … behind the scene."

November 16: Prior to the visit of US President Obama, Thein Sein states that "once emotions subside on all sides" his government is prepared to address resettlement of displaced populations, granting of citizenship, birth registration, work permits, and permits for movement across the country, among other issues.

November 19: US President Obama visits Rangoon and delivers a historic speech at Rangoon University, warning of "the danger of continued violence" in Arakan State, adding: "National reconciliation will take time, but for the sake of our common humanity, and for the sake of this country's future, it is necessary to stop the incitement and to stop violence."

December 6: The Ministry of Foreign Affairs denies that security forces and local authorities had any role in the "communal violence" or in discrimination against the "so-called Rohingyas."

November 2012-April 2013: Sporadic incidents of violence against Muslims in Arakan State continue, including sexual violence by security forces against Rohingya women. Tens of thousands are living precariously in IDP camps or isolated communities, without livelihoods and access to urgently needed humanitarian aid. Thousands of Rohingya flee by boat from Arakan State to Bangladesh, Thailand, and Malaysia. UNHCR estimates in December that 13,000 Rohingya arrived by boat in Malaysia in 2012 and refers to the "sailing season" as "unprecedented." Thai authorities announce 6,000 Rohingya, including women and children, arrived on Thai shores since October 2012. News reports indicate several hundred Rohingya have died at sea.

I. Promoting Ethnic Cleansing: June-October 2012

> The Arakanese treated us so badly, stopping our food supply. One Arakanese said to me, "We will stop all food for you, and do you know why? We'll do it so you'll leave here quickly and permanently."[1]
>
> —Rohingya man from Pauktaw, Arakan State, referring to the situation before violent attacks in October 2012

Appeals for Ethnic Cleansing of Muslims

Beginning in June 2012, Arakanese political parties, local monks' associations, and Arakanese civic groups made public statements and issued numerous pamphlets that directly or indirectly urged the ethnic cleansing of Rohingya from Arakan State and the country. The statements and pamphlets typically deny the existence of the Rohingya ethnicity, demonize the Rohingya, and call for their removal from the country. Most were issued following public meetings that national officials should have understood to be clear warning signs of imminent and serious violence.

The two groups most influential in organizing anti-Rohingya activities in this period were the local order of Buddhist monks (the *sangha*) and the locally powerful Rakhine Nationalities Development Party (RNDP), a party founded in 2010 by Arakanese nationalists. The RNDP currently holds 18 of the 45 seats in the state parliament, or hluttaw, and 14 seats in the national parliament.[2] The RNDP is the dominant party in the Arakan State parliament, making it the only political party in Burma to have more seats at the state level than the ruling Union State and Development Party (USDP).

In many instances, calls by monks and the RNDP for the ouster of Rohingya and Kaman Muslim communities were accompanied by instructions to the Buddhist population to socially and economically isolate them. The apparent aim was to cut off the remaining Muslims from income-generating activities, access to markets and food, and other basic services necessary for daily survival so that they would decide to leave.

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[1] Human Rights Watch interview with M.N., displacement site, Sittwe, Arakan State, November 2012.

[2] The RNDP has seven seats in the 224-seat Amyotha Hluttaw, or upper house, and eight seats in the 440-seat Pyithu Hluttaw, or lower house.

Immediately after the first wave of sectarian violence in June 2012, local Buddhist monks circulated pamphlets calling for the isolation of Muslims. For instance, on June 29, monks in Sittwe distributed an incendiary pamphlet to the local Arakanese population, telling all Arakanese that they "Must not do business with Bengalis [Rohingya]," and "Must not associate with Bengalis [Rohingya]." The pamphlet alleged that the Rohingya sought to eliminate the Arakanese population, stating that the "Bengalis [Rohingya] who dwell on Arakanese land, drink Arakanese water, and rest under Arakanese shadows are now working for the extinction of the Arakanese."[3] It implored the people to follow the demands to socially and economically isolate the Rohingya to prevent the "extinction of the Arakanese."[4]

The day the pamphlet was distributed, a Buddhist monk in Sittwe who spearheaded the effort told Human Rights Watch:

> This morning we handed our pamphlet out downtown [in Sittwe]. It is an announcement demanding that the Arakanese people must not sell anything to the Muslims or buy anything from them. The second point is the Arakanese people must not be friendly with the Muslim people. The reason for that is that the Muslim people are stealing our land, drinking our water, and killing our people. They are eating our rice and staying near our houses. So we will separate. We don't want any connection to the Muslim people at all.[5]

This action was replicated by other Arakanese organizations throughout the state. On July 5, monks representing the *sangha* in Rathedaung Township, 30 kilometers north of Sittwe, held a meeting and subsequently issued a 12-point statement. The preamble unabashedly presents a plan for the ethnic cleansing of Rohingya: "'Arakan Ethnic Cleansing Program'

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[3] In June, *Eleven Media* stated that the "risk and danger of ethnic cleansing or genocide [by Rohingya against Arakanese and Burmans] was possible." Than Htut Aung, "I Will Tell the Real Truth," *Eleven Media*, June 26, 2012, http://eversion.news-eleven.com/opinion/91-i-will-tell-the-real-truth-3 (accessed February 11, 2013).

[4] Association of Young Monks, "Announcement to All Arakanese Nationals," June 29, 2012, on file with Human Rights Watch. See also, Human Rights Watch, *Burma– The Government Could Have Stopped This: Sectarian Violence and Ensuing Abuses in Burma's Arakan State*, August 2012, http://www.hrw.org/reports/2012/08/01/government-could-have-stopped, pp. 40-41.

[5] Human Rights Watch interview with C.D., Sittwe, Arakan State, June 2012.

of bad pagan Bengali (kalar) [derogatory term for Rohingya], taking advantage of our kindness to them, is revealed today."[6]

The statement calls on Arakanese in Rathedaung Township to avoid employing Rohingya in a range of jobs, including day laborers, carpenters, masons, and in farming.[7] It also says Rohingya should not to be employed in government offices or by NGOs operating in the township, and that all NGOs providing aid to the Rohingya in the township must withdraw.[8]

On July 9, the monks' association in Mrauk-U released a similar statement:

> The Arakanese people must understand that Bengalis [Rohingya] want to destroy the land of Arakan, are eating Arakan rice and plan to exterminate Arakanese people and use their money to buy weapons to kill Arakanese people. For this reason and from today, no Arakanese should sell any goods to Bengalis, hire Bengalis as workers, provide any food to Bengalis and have any dealings with them, as they are cruel by nature.[9]

The RNDP also played an instrumental role in stoking fear and encouraging isolation of and violence against the Rohingya. A public statement released by the RNDP on July 26, attributed to RNDP chairman Dr. Aye Maung,[10] says "the present Bengali population causes threats for the whole Arakan people and other ethnic groups."[11] The party statement denies

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[6] "The following 12-point statement agreed and decided at the meeting of monks from the various groups from Rathedaung Township, Rakhine State, held at 'Myo Ma' Pavilion on 5th of July 2012 (Thursday) at 1:00 p.m.," provided to Human Rights Watch by the Arakan Project, November 2012.

[7] Ibid.

[8] Ibid.

[9] Mrauk-U Monks' Association, public statement, released July 9, 2012. Provided to Human Rights Watch by the Arakan Project, November 2012.

[10] The US foreign policy think-tank Center for Strategic and International Studies writes of the RNDP's Aye Maung: "Aye Maung is notoriously known for his stance against the Muslim Rohingyas in Rakhine [Arakan] ... he has repeatedly called for the segregation and resettlement of the Rohingyas in third countries, as well as objecting any granting of citizenship to the Rohingyas. Aye Maung has often sought to ignite Rakhine [Arakanese] nationalistic sentiment against Muslims during his public appearances. When the government declared a state of emergency in Rakhine [Arakan] in October following the latest outbreak of violence originating in the town of Kyaukpyu and the president's office announced that an armed group was responsible, it was implicitly understood that Aye Maung had called for and supported this new round of armed conflict." "The Leaderboard: Aye Maung," Center for Strategic and International Studies," December 18, 2012, http://cogitasia.com/the-leaderboard-aye-maung/ (accessed February 11, 2013).

[11] Rakhine Nationalities Development Party, "RNDP's post-conflict declaration related to relocation," July 26, 2012.

the existence of the Rohingya and refers to a “fabricated history,” stating the “Bengalis” are “damaging Arakan people and national sovereignty.” Finally, it urges a “complete solution,” including a call to “temporarily relocate” Rohingya “so that they do not reside mixed or close to Arakan people in Arakan State territorial towns and villages,” and to “transfer non-Burmese Bengali nationals to third countries.”[12]

In some cases, the RNDP issued warnings and threats against Arakanese found to be aiding or associating with Rohingya in any way.[13] Two photos of unknown provenance have emerged online showing Arakanese men who were found providing food to Rohingya. The men are shackled and in one photo, a homemade sign is placed around the neck of an Arakanese detainee in custody that states, “I am a traitor and slave of kalar.”[14] In the other photo, a shackled man is wearing a woman’s garment on his head, which is considered highly humiliating and culturally shameful for an Arakanese man.[15] Before these photos emerged, local Arakanese sympathetic to the plight of the Rohingya explained to Human Rights Watch that it would be extremely dangerous for them to go near the Rohingya IDP camps, let alone provide aid. They feared they might experience violence from their own community that would regard their actions as “traitorous.”[16]

In late September, a large two-day public meeting was held in Rathedaung that resulted in a public statement. There were approximately 2,000 Arakanese participants, including representatives from all 17 state townships and representatives from major political parties and social organizations. It was billed as the largest public meeting in modern Arakan history.[17] The discussion focused almost completely on the Rohingya.

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[12] Ibid.

[13] See, for example, Human Rights Watch interview with M.N., displacement site, Sittwe, Arakan State, November 2012.

[14] “Kalar” is a derogatory term in Burma used to describe Muslims, Indians, or those of South Asian descent.

[15] See, Francis Wade, “Photos Emerge of Anti-Muslim Witch Hunt in Burma,” *Asian Correspondent*, December 4, 2012, http://asiancorrespondent.com/92967/photos-emerge-of-anti-muslim-witch-hunt-in-burma/ (accessed December 5, 2012).

[16] Human Rights Watch interviews with Arakanese, Sittwe and Rangoon, June-July 2012, October-November 2012.

[17] “Arakan Public Meeting Successfully Concludes in Rathidaung,” *Narinjara*, September 29, 2012, http://www.narinjara.com/main/index.php/arakan-public-meeting-successfully-concludes-in-rahindaung/ (accessed February 11, 2013).

Invidious Stereotyping and Unfounded Allegations of Rohingya "Terrorist" Plots

Many Arakanese view the Rohingya as monolithic group intent on waging an anti-Buddhist war in Arakan State or at least spreading fundamentalist Islam there, and throughout the country. Although Burma has a long and continuing history of ethnic armed movements, according to Martin Smith in his seminal work on Burma's ethnic groups, "no insurgent group has made much progress in the Muslim community."[18] Non-state armed groups called the Rohingya Solidarity Organization (RSO) and the Arakan Rohingya Islamic Front (ARIF) were established in northern Arakan State in 1982 and 1987, respectively. But Smith and others agree these groups and others never posed a serious threat to the Burmese military state, their principal target, nor to Burmese society.[19]

Yet several Arakanese interviewed by Human Rights Watch referred to Rohingya as "kalar terrorists" and claimed "every mosque" in Arakan State has a store of weapons and that every imam has connections with al-Qaeda.[20] Local police and the Nasaka (officially Nay-Sat Kut-kwey Ye, the interagency border guard force comprising military, police, immigration, and customs) directly fueled these beliefs after the June violence, making statements to monks and the Arakanese populace that attributed violent characteristics to the Rohingya as a whole.

For instance, the Buddhist monk in Sittwe who initially led the campaign to isolate Muslims after the June violence told Human Rights Watch:

> In Arakan State, the biggest mosque is near the Noble Hotel [in Sittwe]. The government found two boxes filled with weapons there, but they didn't say anything to the media. Arakanese soldiers [police] told me they found it. They told the people too. The reason why the government is silent is that if they announce it, the problem will get bigger, not only in Burma but throughout the world.[21]

Another Arakanese man in Sittwe said:

> It was widely rumored that arms and ammunitions were found in some of the mosques [after the June violence]. In my opinion, I think it is about 80 percent true. I heard some police officers say it. But the government didn't say anything about that. I don't know why.[22]

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[18] Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (Zed Books: London, 1993), pp. 194-195, 241.

[19] Human Rights Watch, *Burma–Rohingya Muslims: Ending a Cycle of Exodus?,* September 1996, http://www.hrw.org/legacy/summaries/s.burma969.html, p. 14.

[20] See for example Human Rights Watch interviews with B.C., B.D., C.Z., C.D., C.G., C.H., Sittwe, Arakan State, June-July 2012.

[21] Human Rights Watch interview with C.D., Sittwe, Arakan State, June 2012.

[22] Human Rights Watch interview with C.H., Sittwe, Arakan State, June 2012.

An Arakanese elder in Sittwe said: "About 50 percent of the so-called Rohingya Muslims are Taliban-minded. They study in the madrassas [Islamic religious schools]. Their ideology is the same as the Taliban. The police know this and discuss it [with us]."[23] And another Arakanese man in Sittwe said the authorities told him that they found weapons owned by Rohingya hidden in NGO offices[24] – an allegation that was never substantiated by any government official.

Moreover, government-controlled media has blamed the violence in Arakan State on Rohingya "terrorists," and this has become a widely held belief in Burma.[25] Online social media sites are replete with such allegations, accessed primarily by Burmese in urban centers, and the sentiment has been disseminated in sermons by popular Buddhist monks and widely discussed in teashops, monasteries, and other places of public discourse.

Importantly, such allegations have been expressed publicly and privately by members of the highest political offices. For instance, the director of President Thein Sein's office and a graduate of the military's elite Defense Services Academy, Zaw Htay (also known as Hmuu Zaw), posted inflammatory remarks on Facebook, which have since been removed. He wrote:

> It is heard that Rohingya Terrorists of the so-called Rohingya Solidarity Organization are crossing the border and getting into the country with the weapons. That is Rohingyas from other countries are coming into the country. Since our Military has got the news in advance, we will eradicate them until the end! I believe we are already doing it. ...We don't want to hear any humanitarian issues or human rights from others. Besides, we neither want to hear any talk of justice nor want anyone to teach us like a saint.[26]

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[23] Human Rights Watch interview with B.C., Sittwe, Arakan State, June 2012.

[24] Human Rights Watch interview with B.D., Sittwe, Arakan State, June 2012.

[25] "Bodies Collected in Strife-Torn Burmese Town," Associated Press, June 11, 2012.

[26] Quoted in Joseph Allchin, "The Rohingya, Myths and Misinformation," *Democratic Voice of Burma*, June 22, 2012, http://www.dvb.no/analysis/the-rohingya-myths-and-misinformation/22597 (accessed February 11, 2013). Zaw Htay's facebook page is https://www.facebook.com/hmuu.zaw. Human Rights Watch viewed a series of posts on the situation in Arakan State from late May to early June 2012, including the quotation printed here, prior to their deletion.

The "Rathedaung Statement," which attendees approved and then released after the meeting, espoused arguments promoting ethnic cleansing. It calls for the establishment of a "rule to control the birth rate of the Muslim Bengali community living in Arakan"; it advocates forced relocation by demanding the government "remove some Bengali villages located near Sittwe University and beside traffic communication roads throughout Arakan State"; and it expresses opposition to any reintegration plans that would "put Buddhist and Muslim people together."[27] Furthermore, the statement calls for a "peoples' militia in all ethnic villages along the border and [for the government] to supply sophisticated arms to the people's militia."[28] The statement calls for strict adherence to the 1982 Citizenship Law, which effectively prevents Rohingya from obtaining Burmese citizenship.[29] The Rathedaung statement was sent to President Thein Sein, leaders in parliament, and the presidential commission established to investigate the situation in Arakan State.[30]

Members of the Arakanese *sangha* and RNDP have also called for changes to the demographic makeup of Arakan State and Burma, such as the expulsion of all Rohingya from the country, in interviews with the international media. For instance, Thein Tun Aye, a representative of the RNDP told BBC television in November that all Rohingya are illegal immigrants from Bangladesh and must be deported: "Their fathers and forefathers are illegal immigrants, so we cannot accept them," he said.[31] The monk Ashin Sandarthiri likewise told BBC that Rohingya have no right to stay in Burma: "Around the world there are many Muslim countries. They should go there. The Muslim countries will take care of them. They should go to countries with the same religion."[32]

Impact of Economic Isolation

Several Rohingya explained to Human Rights Watch how Buddhist monks were able to isolate their communities by putting pressure on the Arakanese population. A Rohingya fisherman, 30, from Pauktaw said, "The monks came and beat the Arakanese who were

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[27] Ibid.

[28] Ibid. See also, Euro Burma Office, "Political Monitor 2012," September 29- October 5, 2012, http://euro-burma.eu/doc/PM_No._30_-_11-10-12.pdf (accessed April 10, 2013).

[29] Ibid.

[30] Ibid.

[31] "Burmese Monks Who Preach Intolerance Against Muslim Rohingyas," *BBC News*, November 21, 2012, http://www.bbc.co.uk/news/world-asia-20427889 (accessed February 4, 2013).

[32] Ibid.

secretly giving us food. That was on October 9. They had bamboo sticks and were beating them near our neighborhood."[33]

Another Rohingya man said: "There were monks in front of the village. When they were there we couldn't go out and nothing could come in. I remembered one of the monks, his right hand is immobile. He is very active in Pauktaw. He leads everything; he guided the monks and people."[34]

In June, following the circulation of statements from local monks' associations, a displaced Rohingya man, 42, told the media, "Most of the Arakanese are now refusing to sell food to the Muslims."[35]

The *Economist* reported that an Arakanese man was killed in late October by members of his community after it was discovered that he sold large quantities of rice to Rohingya in Mrauk-U Township.[36]

Several Rohingya also explained the efforts of the RNDP in isolating the Muslim population. A Rohingya, 27, from Pauktaw explained the involvement of RNDP leaders:

> The RNDP leaders were giving the orders to the people. In one group there were 20 people [Arakanese] and they were ordered to secure the area around our village. If any food entered to the Rohingya part of the village they would stop it. "If any food comes, take it, crush it, and destroy it," I heard them say. They [RNDP] put a notice up on the corner of the road in front of the food market with orders saying no one can allow any food to reach the Rohingya village. On that paper it said that any Arakanese taking money from the Rohingya for rice or other things would be killed. It said there was a 100,000 Kyat reward for those who catch any Arakanese supplying food to the Rohingya. It was signed by RNDP party member [name

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[33] Human Rights Watch interview with S.L., displacement site, Sittwe, Arakan State, October 2012.

[34] Human Rights Watch interview with M.O., displacement site, Arakan State, November 2012.

[35] Human Rights Watch interview with Z.I., Sittwe, Arakan State, June 2012, *The Government Could Have Stopped This*, p. 41, n. 121.

[36] Banyan, "War Among the Pagodas," *Economist*, October 24, 2012, http://www.economist.com/blogs/banyan/2012/10/killings-myanmars-rakhine-state (accessed March 7, 2013).

withheld] of the RNDP party in Pauktaw. Other names on the paper were [names withheld].[37]

Four other Rohingya from Pauktaw also told Human Rights Watch that they had seen the same RNDP notice, signed by leaders of the local RNDP chapter.[38] These efforts led to serious humanitarian problems and economic shortages in the village.[39]

A displaced Rohingya man working to provide aid to other IDPs told Human Rights Watch:

> Our life was safer during the military government. When the democratic government got power [in 2011], the RNDP gained power here and now we are facing a problem to our existence. The RNDP are so ambitious to eliminate Islam from this land. They want only a Buddhist Arakanese republic.[40]

Arakanese communities are also isolating Rohingya who had not been displaced. Aung Mingalar is the last remaining Muslim neighborhood in Sittwe, currently surrounded by a population of Arakanese who have been hostile to its Muslim residents who survived the attacks in June. The area is home to 8000 Muslims and is currently guarded by both the army and police.

In June, a Rohingya woman, 38, in Aung Mingalar told Human Rights Watch:

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[37] Human Rights Watch interview with M.N., displacement site, Sittwe, Arakan State, November 2012.

[38] Human Rights Watch group interview, displacement site, Arakan State, November 2012.

[39] Ibid. The public statements continued even after the violence began on October 21, 2012. The Arakan Liberation Party (ALP) is a political organization founded in Rangoon in 1967 that controls a small non-state ethnic army, founded in 1974 and based in Bangladesh. On October 25, 2012, the ALP released a four-point statement blaming the violence on "illegal Bengali immigrants" and alleging the conflict was the result of "a well-organized plan carried out by the illegal Bengali immigrants and the countries that are supporting them to help them to be recognized as a new ethnic group during the transition period in Burma." The statement calls for a "supreme effort" to be taken by the Arakanese people "to protect and preserve our land, on which we have been living for generations, from the Bengali people." Arakan Liberation Party, Organizing and Information Department, "The statement released by Arakan Liberation Party (ALP) on the issue concerning the violence caused by the illegal Bengali immigrants," October 25, 2012. The ALP statement references the local controversy surrounding land. Many Arakanese assert that they are the rightful owners of the land on which Rohingya now live – and that the land must be taken back. One prominent Arakanese leader in Sittwe told Human Rights Watch: "One thing I would like to explain is that over 200 villages have been lost [after 1942], and those villages belonged to Arakanese. The Bengalis invaded and occupied them. Historically the village names are all Arakanese names." Human Rights Watch interview with M.M., Sittwe, Arakan State, November 2012.

[40] Human Rights Watch interview with J.J., displacement site, Arakan State, October 2012.

> This area is very small but extremely populated. It is very difficult to eat. We have no food. The whole area is surrounded by Arakanese people. If we go outside, we are afraid we'll be killed by the Arakanese, so no one dares to go out. No one has delivered food. The government has not given us anything so far.[41]

In November a prominent resident of Aung Mingalar told Human Rights Watch:

> We will try to get rice from the Arakanese people but that is unsafe. We estimate we can get 20 bags per day but that amount won't be sufficient for the population here. We need 400 bags for 10 days. The UN has not given any aid to us since June. We only want permission to bring food from outside to Aung Mingalar. The Arakanese attacked the food trucks and looted them several times. … When the rickshaw [small motor vehicle] tries to come with food and other supplies, they looted them and took everything, and in some cases they beat the Arakanese driver.[42]

In the months after the June violence, the Arakanese community increasingly organized to forcibly remove Rohingya from their areas. On October 18, just days before violence renewed in the state, an All-Arakanese Monks' Solidarity Conference, attended by the senior monks in the township, was held at Dakaung monastery in Sittwe. A public statement by the monks following this meeting states their intent to "expose sympathizers of Bengali kalars as national traitors along with photos and spread the information to every township."[43] The group called for the government to "quickly implement" President Thein Sein's proposal to UNHCR in July, which was interpreted as a call to expel all Rohingya from the country.[44] (As discussed in chapter V of this report, Thein Sein called for "illegal" Rohingya to be sent to "third countries," but given the lack of citizenship for nearly all Rohingya in Burma, the statement was interpreted as a call to expel all Rohingya from Burma). Noteworthy is the statement's call for Arakanese to join forces with each other

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[41] Human Rights Watch interview with C.H., Sittwe, Arakan State, June 2012, *The Government Could Have Stopped This*, p. 42, n. 116.

[42] Human Rights Watch interview with J.M., with Aung Mingalar resident, Sittwe, November 2012.

[43] "Conclusions from All-Arakanese Monks' Solidarity Conference held at Dakaung Monastery, Kyaungtak St, Sittwe," October, 18, 2012, unofficial translation.

[44] Ibid.

between townships: “When there is a problem in one township [with the Rohingya], other townships are to help solve it.”[45]

Numerous Rohingya told Human Rights Watch that when violence started three days later, the Arakanese who attacked them were not familiar to them, leading them to believe their assailants came from outside their area. For instance, in Pauktaw, local Rohingya fishermen alleged that thousands of Arakanese with various weapons came by sea on boats to attack their villages. One Rohingya fisherman, 30, told Human Rights Watch what he saw on October 23:

> With their fists in the air they shouted, “Victory! Victory!” They came from all directions. There were 10 to 15 boats that brought people to our village on that day. ... It seemed like they were bringing Arakanese from outside the area. They carried knives and other weapons. When they reached the jetty they came directly to our village. There are not that many people in Pauktaw, so many probably came from outside.[46]

Response of Security Forces and Officials in Arakan State

International praise followed the Burmese government’s handling of the violence between Arakanese and Rohingya in Arakan State in June. The EU on June 11 welcomed the Burmese authorities’ “measured response.” A spokesperson for the EU’s high representative on foreign affairs, Catherine Ashton, said: "We believe that the security forces are handling this difficult intercommunal violence in an appropriate way. We welcome the priority which the Myanmar government is giving to dealing with all ethnic conflicts."[47] The US likewise praised the government’s response, saying, “The government is trying to help everybody who needs it whether that is Rakhine Buddhists or Muslims."[48]

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[45] Ibid.

[46] Human Rights Watch interview with S.J., displacement site, Arakan State, October 2012.

[47] “Burma: Situation Tense in Rakhine,” Radio Free Asia, June 11, 2012, http://www.unhcr.org/refworld/topic,45a5199f2,45a5faeb2,4fdb2f2d26,0,,,.html (accessed March 6, 2013).

[48] “US Praises Myanmar’s Response to Sectarian Clashes,” *Reuters*, June 19, 2012, http://www.reuters.com/article/2012/06/19/us-myanmar-violence-usa-idUSBRE85I0GC20120619 (accessed April 7, 2013).

The reality was very different. Human Rights Watch research found that during the period following the violence and abuses in June, some security forces in Arakan State – rather than responding to the growing campaign to force Rohingya out – were destroying mosques, effectively blocking humanitarian aid to Rohingya populations, conducting violent mass arrests, and at times acting alongside Arakanese to forcibly displace Muslims.[49]

Nonetheless, some security forces stepped in to minimize harm to threatened groups. Human Rights Watch observed army units deployed by the government to maintain order that played a positive role in stemming violence in Sittwe.[50] We witnessed army personnel escorting Rohingya through Sittwe in late June to collect their belongings before returning to displaced person sites – though we were unable to determine whether this was done as part of normal duties or for payment, as frequently occurs. In June, one Rohingya told Human Rights Watch, "The police are Arakanese, too. They hate us. The army is Burmese [ethnic Burman]. They are protecting us."[51]

The media, several ambassadors and visiting foreign officials were able to go to Arakan State to talk with local residents and internally displaced persons.[52] The then minister of border affairs, Thein Htay, met with numerous diplomats and officials. President Thein Sein issued a report to parliament in August that criticized local forces in Arakan State for fueling the violence, saying, "Political parties, some monks, and some individuals are increasing the ethnic hatred."[53] On August 17, the president also established a 27-member commission "to reveal the truth behind the unrest" and "find solutions for communities with different religious beliefs to live together in harmony." This was followed by a workshop in Naypyidaw on September 22-23 on the situation in Arakan State, organized by the Ministry of Border Affairs, UN agencies, and the Myanmar Development and Resources Institute.[54]

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[49] Human Rights Watch, *The Government Could Have Stopped This*, pp. 20-37.

[50] Ibid., p. 20.

[51] Human Rights Watch interview with Z.F., Sittwe, Arakan State, June 2012, *The Government Could Have Stopped This,* p. 20.

[52] Some Rohingya reported to Human Rights Watch that the authorities questioned them or sought after them after those Rohingya spoke with visiting officials and ambassadors.

[53] See "Thein Sein Accuses Politicians, Monks of Inciting Ethnic Hatred," Agence France Presse, August 27, 2012, http://www.dvb.no/news/thein-sein-accuses-politicians-monks-of-inciting-ethnic-hatred/23471 (accessed February 6, 2013).

[54] See "Burma's Vice President Calls for Development in Rakhine State," *Mizzima News*, September 24, 2012, http://www.mizzima.com/news/inside-burma/8083-burmas-vice-president-calls-for-development-in-rakhine-state.html (accessed February 6, 2013).

These efforts were patently insufficient to stop the visible and mounting pressure in Arakan State to drive Rohingya and other Muslims out of the country.

Mass Arrests and Ill-Treatment of Detainees

Between June and October, Lon Thein riot police, Nasaka border forces, and the Burmese army systematically and violently rounded up Rohingya residents in villages around Maungdaw Township in northern Arakan State, and transferred them to unknown locations. In some cases, security forces arrived with lists of people alleged to have been involved in riots in Maungdaw on June 8-10. Rohingya told Human Rights Watch that these arrests caused widespread fear among Rohingya populations throughout the state.[55]

Rohingya said that following the violence in June 2012, state security forces raided Muslim homes and villages in Maungdaw Township, at times shooting at villagers, looting homes and businesses, and rounding up people of all ages. Those arrested included Rohingya teenagers and children as young as 8.[56]

Ethnic Arakanese were also arrested. The government of Burma told Human Rights Watch it has prosecuted 1,158 people in Arakan State since June 2012, including 875 "Bengalis," 245 Arakanese, and 38 from other ethnic groups.[57] The authorities did not, however, provide or publish a detailed list of those who were detained or their whereabouts or information on the nature of any charges against them.

Several UN bodies expressed concern about the treatment of Rohingya detainees. The UN special rapporteur on human rights in Burma, who visited Rohingya detainees in late July, reported that he was "concerned about their treatment during detention and about the denial of their due process rights."[58] UN OCHA's "Rakhine Response Plan" stated: "Reports of missing individuals and incidents of ill-treatment in detention have also been

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[55] See, for example, Human Rights Watch interviews with S.N., J.M., K.Q., displacement sites, November 2012; Human Rights Watch communications with Rohingya in Arakan State, November 2012-February 2013.

[56] Human Rights Watch interview with D.H., Bangladesh, June 28, 2012; see also, Human Rights Watch, *The Government Could Have Stopped This*, p. 28.

[57] Ministry of Border Affairs, "Answers for English Version on Human Rights Watch Questions," Government of Burma response to Human Rights Watch, February 26, 2013, p.3. See Appendix II.

[58] UN General Assembly, "Situation of human rights in Myanmar," A/67/383, September 25, 2012, http://www.globalr2p.org/media/files/report-of-sr-25-sept.pdf (accessed April 10, 2013), p. 17.

recorded."[59] A UN official with firsthand knowledge of conditions in detention in Arakan State told Human Rights Watch:

> There is torture, humiliating torture. They are kept without food, water, clothes, in very bad conditions. They could be forced to work, to do things against their will. That is the reason why people are so afraid of being detained. Even in the process of detention, beatings can start immediately, even in the street…people die from beatings.[60]

The authorities transported some of those taken into custody to other townships, such as Sittwe and Buthidaung, and most were denied access to lawyers and family members.[61] An unknown number remain in detention today. Exacerbating unlawful treatment are the discriminatory restrictions on Rohingya – including a ban on ownership of mobile phones, limiting their ability to contact detained family members, and a requirement that they seek official permission to travel between townships to detention facilities where their relatives are being held.[62]

The authorities appeared to target well-educated Rohingya for arbitrary arrest, detention, and torture. A well-educated Rohingya man was apprehended by Burmese intelligence services in June and interrogated for 19 consecutive days, deprived of sleep, hooded for extended periods, and threatened with physical harm.[63] Authorities accused him of violating the Electronics Transactions Act by communicating abroad about the violence in June.[64] He has since been released and the charges against him have been dropped.

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[59] UN, Office for the Coordination of Humanitarian Affairs (OCHA), "Rakhine Response Plan: July 2012-June 2013," November 16, 2012, http://reliefweb.int/report/myanmar/rakhine-response-plan-myanmar-july-2012-%E2%80%93-june-2013 (accessed March 15, 2013), p. 28.

[60] Human Rights Watch interview with A.E., Rangoon, June 2012.

[61] See, for example, Amnesty International, "Urgent Action: Doctor Held Incommunicado in Myanmar," August 24, 2012, http://www.amnesty.org/fr/library/asset/ASA16/010/2012/fr/6f99ff6a-7763-4ee7-9214-5a6827ffc0ef/asa160102012en.html (accessed April 10, 2013).

[62] Rohingya who are found by the authorities to own mobile phones have been fined large sums by Nasaka or in some cases charged with a crime under the Telecommunications Act or the Electronic Transactions Act and imprisoned. The Telemcommuncations Law prohibits owning mobile phones and other "wireless telegraphy aparatus" without permission and violations carry fines and prison terms of up to three years.

[63] Human Rights Watch communications with Rohingya detainee, October 2012.

[64] Ibid. The Electronics Transactions Act of 2004 has been used to imprison dissidents and others. Violations under the act bring sentences of 7 to 15 years and fines. Activists have typically been charged under vague provisions in the law that criminalizes

A prominent case involved Dr. Tun Aung, 65, a Rohingya medical doctor who is chairman of the Islamic Religious Affairs Council in Maungdaw, whom the authorities arrested on June 11 in Maungdaw town. According to well-placed local sources, the authorities had enlisted him as a prominent local figure to help defuse rising tensions in the area.[65] Three days earlier there had been rioting, arson, and violence by Rohingya against Arakanese in Maungdaw, which was followed by several days of state-sponsored attacks against Rohingya.[66] Dr. Tun Aung and his family had sought refuge on June 8 in the Maungdaw office of UNHCR. On June 11, most of the UNHCR staff members were evacuated because of threats of violence from local Arakanese mobs. That day, UNHCR arranged for authorities to give Dr. Tun Aung and his family safe passage to their home. Instead, authorities took him to the immigration office in Kyi Kan Pyin, a neighboring township. There he was arrested, charged with various offenses, and transferred to Sittwe. Authorities refused to give him access to a lawyer of his choosing. In November he was tried and sentenced to 11 years in prison.[67] He suffers from several medical conditions and there is a concern he is not receiving adequate medical treatment.[68]

Authorities also arrested Dr. Tun Aung's daughter, Mya Nandar Aung, 37, a former employee of UNHCR, on grounds that she posed a threat to national security under the Emergency Provisions Act. When she was arrested at the Sittwe airport on June 10, she had in her possession materials from UNHCR that included standard lists of institutions in northern Arakan State that were relevant to her work. The material was confiscated and

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electronic acts deemed "detrimental to the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture." Electronics Transactions Act of 2004, ch. XII, 33(a).

[65] Human Rights Watch interviews, November and December 2012. See also "Urgent Action: Doctor Held Incommunicado in Myanmar," http://www.amnesty.org/fr/library/asset/ASA16/010/2012/fr/6f99ff6a-7763-4ee7-9214-5a6827ffc0ef/asa160102012en.html.

[66] Human Rights Watch, *The Government Could Have Stopped This*, pp. 20-37.

[67] Dr. Tun Aung was found guilty of violating the Foreign Exchange Regulation Act, 1947, section 24(1); the Emergency Provisions Act of 1950, section 5(j); and penal code sections 505(b) and 153(a); and the Wireless Telegraph Act, section 6(1). The Burmese penal code 505 states: "Whoever makes, publishes or circulates any statement, rumor or report… (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility ... shall be punished with imprisonment which may extend to two years, or with fine, or with both." The penal code 153(a) states: "Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of [persons resident in the Union] shall be punished with imprisonment which may extend to two years, or with fine, or with both."

[68] Communication with UN Special Rapporteur on human rights in Burma, Tomas Ojea Quintana, March 15, 2013.

deemed a threat to national security. Authorities dropped the charges against her due to lack of sufficient evidence and released her in December 2012.

Authorities also arrested Mya Nandar Aung's husband, Maung Maung Than, another former employee of UNHCR, in Rangoon on June 15, and charged him with violating the Electronics Transactions Act because he allegedly distributed information about the June violence using electronic media. Maung Maung Than was held in the Mingalar Taung Nyunt Township court, Rangoon, and was released in December, officially due to a lack of evidence.

Following the June violence, authorities also arrested a total of 14 staff members of the UN and international NGOs but the authorities did not release specific information about the charges against them. All persons arrested were Rohingya, and at least five remain in prison. UN agencies and international NGOs have been continually denied access to their detained staff members and the Burmese government has provided only minimal information about the charges against them.[69]

On August 17, 2012, authorities released six of the detainees, including two UN staff and four international NGO staff. On August 24, the Maungdaw court sentenced three UN staff members for crimes including promoting hatred between Buddhists and Muslims and participating in arson attacks, and ordered them imprisoned for between two and six years, but on August 28 they were pardoned by President Thein Sein.

The UN special rapporteur on human rights in Burma, Tomas Quintana, was permitted to visit one UN staff member in Insein prison in Rangoon, and five in Buthidaung prison in northern Arakan State. He reported that he "was concerned about their treatment during detention and about the denial of their due process rights."[70] On September 25 he called for their immediate release and a review of their cases.[71] On February 16, 2013, he reiterated the call for their "immediate and unconditional release," saying "the charges against them are unfounded and ... their due process rights have been denied."[72] Quintana was also able to visit Dr. Tun Aung in Sittwe prison, and on February 16 he called for his

[69] "Situation of human rights in Myanmar," http://www.globalr2p.org/media/files/report-of-sr-25-sept.pdf.

[70] Ibid. p. 17.

[71] Ibid.

[72] Tomás Ojea Quintana, "Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar," February 16, 2013, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13004 (accessed April 10, 2013), p. 4.

immediate release, adding that this was necessary for the government to demonstrate that it "has made a break from the past and no longer locks people up for political reasons.[73]

Other educated, displaced Rohingya in Arakan State who speak English – and can thus communicate to a broader international audience if given the opportunity – told Human Rights Watch they have been interrogated by the police since June 2012. One such Rohingya man said:

> I have not committed any crime. Why do they have to question me? I am worried and also my family is worried. I think they are making a report and want to mention my name in it. I think they are building a case against me. I am telling the truth to the world. The truth is not a crime.[74]

Similarly, a well-educated Rohingya elder told Human Rights Watch: "After the [US] ambassador [Derek Mitchell] visited here the authorities wanted to arrest me. They came here and were searching for me."[75]

Destruction of Homes and Mosques

After the June violence forced communities of Muslims to flee from Sittwe, local authorities moved in to demolish remaining structures, including home and mosques. Government officials and Arakanese cooperated in the destruction of structurally sound buildings. A Rohingya woman from Sittwe told Human Rights Watch:

> Many houses were left standing but they were destroyed by the government, not the Arakanese. There was nothing wrong with our house. It was still there [after the violence]. But on another day, [our friend] went to the neighborhood, and it was gone. We got this picture from a soldier [shows a picture of the house standing amid ashes and government officials.]. They used the bulldozers one or two days after the fires. We tried to call the

[73] Ibid.

[74] Human Rights Watch interview with J.M., displacement site, Arakan State, November 2012.

[75] Human Rights Watch interview with S.N., displacement site, Arakan State, October 2012.

> landline phone at our neighbor's house and an Arakanese answered. After we left all the Arakanese came and took our things and properties.[76]

Another Rohingya man told Human Rights Watch about an attack on a mosque in Sittwe on the morning of June 29 that, until that time, had been unaffected by the sectarian violence. He said:

> The municipal people [local government employees] were destroying the Rohingya mosque at the corner of Merchant Street and Aung Htaw Oo Street. That mosque is ours and they are destroying it. They were government and fire brigade and other people from Sittwe. They are still destroying that mosque.[77]

A prominent Buddhist monk in Sittwe repeated to Human Rights Watch a widely held rumor among Arakanese that mosques in the state were militant outposts in which the Rohingya stored weapons – thus attempting to justify their destruction:

> In the villages, the Arakanese don't have guns, but every mosque has guns. The government knows this news, and this time the government is angry, so the government bulldozed the mosques everywhere in downtown Sittwe. They know every mosque has boxes of guns.[78]

According to news reports, the authorities demolished five structurally sound mosques in Sittwe town.[79] The attorney general of Arakan State, Hla Thein, said the damaged buildings were removed because they were "not good to look at" and would inflame angry feelings.[80] The UN resident coordinator in Burma, Ashok Nigam, visited Sittwe after the June violence

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[76] Human Rights Watch interview with K.M., displacement site, Sittwe, Arakan State, October 2012.

[77] Human Rights Watch interview with C.F., Sittwe, Arakan State, June 2012, *Government Could Have Stopped This*, p. 31, n. 68.

[78] Human Rights Watch interview with C.D., Sittwe, Arakan State, June 2012.

[79] Kenneth Denby, "Burma mosques bulldozed in 'ethnic cleansing,'" *The Times*, September 19, 2012, http://www.thetimes.co.uk/tto/news/world/asia/article3542153.ece (accessed April 10, 2013).

[80] Ibid.

and was told that the areas had been cleared for "town planning."[81] Human Rights Watch confirmed the destruction of at least nine mosques in the area of Sittwe.[82]

A mosque in Pauktaw that had been defaced with anti-Rohingya graffiti was torn down.[83] Four of the five mosques in Kyauk Pyu were destroyed. [84] Kyauk Pyu's main mosque, which was burned but not structurally harmed, was among those demolished.[85] In Kyauk Pyu and other areas, witnesses told Human Rights Watch that when attacks resumed in October, their mosques were one of the first places to be attacked by Arakanese mobs.[86]

A Rohingya man from Sittwe researched and produced a detailed list of 28 mosques that were partially or fully destroyed in Sittwe Township since June. Although Human Rights Watch cannot independently confirm the exact number of mosques affected or the findings, the individual stated he had visited each site, described the sites in detail, and provided written records.[87]

Other Rohingya said that authorities and Arakanese destroyed mosques and religious schools in other parts of the state, including at least six mosques and six Islamic schools in Minbya Township.[88]

Collusion and Coercion to Forcibly Displace Muslims

Some state security forces colluded with Arakanese in the forced displacement of Muslim populations in June and in the weeks leading up to the second wave of violence in late

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[81] Ibid.

[82] The nine mosques include the Abdul Hadi Mosque, Main Rd., co-ordinates: N 20.14485 E 92.88377; Shah Hasan Mosque, Merchant St: N 20.144081 E 92.897326; Musa Dewan Mosque, Narzi: N 20.146237 E 92.881356; South Narzi Mosque: N 20.143047 E 92.884200; Unnamed Mosque: N 20.142883 E 92.882855; Police Town Mosque: N 20.138012 E 92.884661; also reportedly damaged include Master Company Mosque; North Narzi Mosque; Bacha Dokan Mosque; and the Table Mosque.

[83] Jason Szep and Andrew Marshall, "Special Report: Witnesses Tell of Organized Killings of Muslims," Reuters, November 11, 2012 http://www.reuters.com/article/2012/11/11/us-myanmar-fighting-idUSBRE8AA0EO20121111 (accessed April 10, 2013).

[84] Ibid.

[85] Human Rights Watch has viewed video footage of the burning of the mosque. The area of Kyauk Pyu has since become completely desolated.

[86] See Human Rights Watch interviews with S.M., J.K., J.L., J.M., K.R., L.S., L.J., displacement sites, October and November 2012.

[87] "List of mosques destroyed during violence in Sittwe," local records, obtained November 2012, Sittwe, Arakan State, on file at Human Rights Watch.

[88] Human Rights Watch interview with J.N., displacement site, Arakan State, November 2012.

October.[89] Muslim residents in Sittwe and northern Arakan State told Human Rights Watch that in June they witnessed groups of armed Arakanese villagers traveling together with police during attacks against Rohingya communities that led to their displacement.

Immediately prior to the onset of violence in October, local government officials, members of the RNDP, and Arakanese community members held public meetings at which they openly discussed forcibly displacing the local Rohingya population. Rohingya and Kaman community leaders told Human Rights Watch that they attended such meetings in Pauktaw and Kyauk Pyu in which the outcome was a decision that the Muslim population should leave the area. The Rohingya and Kaman Muslims who were present at these meetings said they were unable to provide input – they were simply told it was in their best interest to move away.[90]

A Rohingya fisherman from Pauktaw said:

> Local Arakanese told us to leave. They said, "You go to Thaychaung [IDP camp]." The township administration officer said this too. He is Burmese. We had a meeting [before the onset of violence in late October] and the township official said openly that we should all go to Sittwe in a group, and that he would supply us with gasoline for our boats. He is a three-star township officer, and a member from the RNDP. ... After they told us villagers to go to Sittwe, they didn't give us a chance to reply. We had no say on this issue. The authorities sold us with three gallons of gasoline for each boat. We all left on the same day, on 10 [large] boats and on 15 small boats. It was the township administration authority controlling the gasoline. We had to pay 4000-kyat per gallon – we could not go to the market ourselves.[91]

Another Rohingya fisherman, 44, from Pauktaw said:

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89 Human Rights Watch, *The Government Could Have Stopped This,* pp. 24-26.

90 Human Rights Watch interviews with IDPs from Pauktaw, interviews with S.J., S.K., S.L., S.O., M.N., M.O., displacement site, October-November 2012.

91 Human Rights Watch interview with S.J., displacement site, Sittwe, Arakan State, October 2012. The reference to a "three-star" official indicates a military affiliation.

> The township council sold us 60 liters of fuel so we could leave. We came to Sittwe to save our lives. The situation was getting worse day by day, we reported it to the local authorities and they asked us what we wanted to do. We said to the authorities we wanted to save our lives. The authorities told us to leave. [A local leader] of the RNDP said that if we did not leave our place we would be killed and our villages would be burned. Just after we left from our place [by sea] we could see it [our village] was already on fire, we could see the smoke and flames.[92]

A Rohingya man from Pauktaw who left his village on October 24 said:

> On June 13 just a few houses were burned. The rest were burned this time. Before we left our village, the commander of the township police department said to us, "There will be more pressure on you and we cannot save you, so you have to decide what you will do for yourself. You cannot save your life here." We had a meeting with the village elders and collected money, and with that money the police brought us 17 gallons of diesel oil so we could leave.[93]

A Rohingya fisherman, 27, from Pauktaw said: "There were 2,700 Rohingya in our village. I left on October 23. Our whole village was kicked out. Lon Thein and the army arrived at that time. A [local] government official sold us gasoline for our boat engine."[94]

In Kyauk Pyu, following the outbreak of violence elsewhere in the state in June, local villagers and government established a "peacekeeping committee" in the town comprising Muslims and Buddhists. In October, when Kaman Muslims told the local government about their concern of an imminent attack by hostile Arakanese, the authorities called a meeting of the peacekeeping committee. A Kaman Muslim man told Human Rights Watch:

> The [local government] authorities called a meeting with the peacekeeping committee at 2 p.m. [on October 22] at the township administrative office.

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92 Human Rights Watch interview with S.K., displacement site, Sittwe, Arakan State, October 2012.

93 Human Rights Watch interview with M.O., displacement site, Arakan State, November 2012.

94 Human Rights Watch interview with M.N., displacement site, Arakan State, November 2012.

> In the meeting, the [township] administrator said, "You should save your village and quarter and save yourself." An Arakanese man stood up and said, "This is not your state. This state belongs to the Arakanese. You should move from the state. You are a guest so you have to go to a guest place." Those of us [Kaman] who attended the meeting had no chance to speak in the meeting. A police officer said at that meeting to the administrative officer that they could not take responsibility for the Muslims in Kyauk Pyu, and the administrative officer said he would inform the military to take responsibility for the town. After finishing this meeting, the administrative officer informed the army and the army came.[95]

Restrictions on Humanitarian Aid: June-October 2012

UN agencies and international humanitarian organizations have long operated in the predominantly Muslim townships of northern Arakan State, providing lifesaving aid to hundreds of thousands of Rohingya.[96] Medecins Sans Frontieres (MSF), for example, has worked in Arakan State since 1994, focusing on primary health care, "with a specific emphasis on reproductive health, malaria, HIV, and tuberculosis."[97] In 2011, MSF conducted 487,000 consultations and has provided ART treatment to over 600 AIDS patients.[98]

On June 10, when the attacks against Muslims quickly escalated, security concerns forced international humanitarian organizations to evacuate their humanitarian workers from northern Arakan State and Sittwe to Rangoon. However, local Rohingya staff could not be evacuated because of Burmese government restrictions on their freedom of movement.

For a period of time in June, after the violence, the government prevented all aid agencies from returning to Arakan State. A senior aid official told Human Rights Watch: "One NGO submitted a formal

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[95] Human Rights Watch interview with K.S., displacement site, Arakan State, November 2012.

[96] Many Arakanese view the organizations as biased because they have tended to focus their aid programs on the Rohingya. Of course the greater needs of the Rohingya population in northern Arakan State has been created in large part by the Burmese government's discriminatory policies.

[97] "Myanmar: Violence and Threats Block Access to Medical Care in Rakhine State," Medecins Sans Frontieres, news release, November 5, 2012, http://www.doctorswithoutborders.org/press/release.cfm?id=6383&cat=press-release (accessed December 7, 2012).

[98] Ibid.

request [in June] to [the government] asking for travel permits for staff. In response to that message, they copied the UN, and said in the last sentence that international staff can't go until there is peace and tranquility."[99]

Between June and October, the authorities also denied permission for the resumption of specific aid programs by several organizations, including MSF. Food aid, primary health care, emergency medical assistance, education, and other areas of humanitarian programming were cancelled. This had a pernicious effect, exacerbating the isolation of Muslim populations and contributing to pressures on them to leave.

According to OCHA, some partners, including the World Food Programme, the UN refugee agency and some NGOs, were able to resume some of their regular activities since the end of September, but many were not been able to do so.[100] The cuts to MSF's programs, for example, meant that "thousands of patients benefiting from longer-term primary health care programs" were cut off from medical services.[101]

In some areas, state security forces, including the army, did not facilitate access for Rohingya cut off from food and other basic needs. Rohingya stated that immediately after the violence in June, security forces guarding their neighborhoods and IDP camps helped them obtain basic necessities, but that assistance only lasted a few weeks.[102] A 44-year-old Rohingya fisherman from Pauktaw said:

> Day by day we became very weak because we didn't have any food, we couldn't buy any goods. We were isolated. At one point the military provided some food but soon after they stopped and didn't provide anything. At our weakest the Arakanese attempted to attack us again [in October].[103]

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99 Human Rights Watch interview with Z.B., Rangoon, June 2012.

100 UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf (accessed April 10, 2013), p. 5.

101 "Myanmar: Violence and Threats Block Access to Medical Care in Rakhine State," Medecins Sans Frontieres, news release, November 5, 2012, http://www.doctorswithoutborders.org/press/release.cfm?id=6383&cat=press-release (accessed December 7, 2012).

102 Human Rights Watch, *The Government Could Have Stopped This*, pp. 38-42.

103 Human Rights Watch interview with S.K., displacement site, Sittwe, Arakan State, October 2012.

II. Coordinated Attacks and Abuses Against Muslims in Arakan State: October 2012

> My mother was stabbed with a knife on her head and on her neck. She died from bleeding too much.
> —Rohingya man, 25, describing attack in Yan Thei village, Mrauk-U Township, in October 2012

> Fifteen policemen were on guard behind my house. We thought that because of all the guards there would not be violence or fires. But at 7:30 p.m. the Arakanese came and set fire to a house next to mine. They had bottles of petrol. In that group there were more than 500 Arakanese, at least. The police did nothing. They didn't fire a gun – they did nothing for us.[104]
> —Kaman Muslim man, 49, from Kyauk Pyu, Arakan State, November 2012

After months of rising tensions and visible planning by monks, political party members and Arakanese communities, on October 22, 2012, the predictable happened: mobs of thousands of Arakanese with weapons descended on Muslim communities in nine townships throughout the state. Carrying machetes, swords, spears, homemade guns, Molotov cocktails, and other weapons, sizable groups of Arakanese men simultaneously descended on Muslim villages in several townships in a coordinated fashion. In some areas they arrived by foot, in others by a makeshift armada of small boats, braced to attack.

In many areas, the groups targeted the local mosque first, and then nearby homes, easily flammable structures of bamboo and wood. The burning of entire villages to the ground was a signature tactic of these attacks. Plumes of smoke quickly dotted the sky. The assailants killed an unknown number of Muslim men, women, and children. The sparse security forces that were stationed in these areas either failed to intervene or participated in the violence against Muslims.

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[104] Human Rights Watch interview with K.R., displacement site, Sittwe, Arakan State, November 2012.

Far from being a brief flash of violence, the carnage of October 22 lasted over a week in 9 of the state's 17 townships: Minbya, Myebon, Mrauk-U, Pauktaw, Kyauk Pyu, Ramree, Kyauktaw, Rathedaung, and Thandwe. Most of these areas had not experienced violence in June.

Attacks on villages began as early as 5:30 in the morning. Residents from six villages in Mrauk-U Township alone, all attacked on October 23, said most attacks were long and drawn-out, lasting several hours.

That the attacks were planned and well-coordinated is evident in that many occurred the same day – and often the same time of day – in townships separated by considerable distance. For example, crowds of Arakanese descended on villages in Mrauk-U, Minbya, Kyauk Pyu, and Pauktaw townships all on October 23.

Many Rohingya reported that Arakanese coming to their villages were not local persons – because they did not look familiar, and because the size of the crowds exceeded the local Arakanese population. They suspected these Arakanese came from other townships.

Unlike in June, the Arakanese attackers also targeted Kaman Muslims residing in the still impoverished but relatively prosperous township of Kyauk Pyu – a coastal area of multi-billion dollar oil and gas investments and relatively high property values. The Kaman are citizens of Burma and legally recognized by the central government as an ethnic group. This ancestral home was destroyed in October and Kaman told Human Rights Watch they have no hopes of returning.

The violence that week displaced over 40,000 Muslims and a very small number of Arakanese. According to the government, since June over 115,000 people have been internally displaced in Arakan State, nearly all of whom are Rohingya.[105] Others estimate the number of displaced persons exceeds 126,000.[106] These estimates do not include the tens of thousands of Rohingya who have fled Burma in rickety boats, seeking asylum in Thailand, Malaysia, or Bangladesh.

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[105] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 1.

[106] See European Commission, "Myanmar: Displaced Rohingyas still in dire need of urgent humanitarian assistance," January 31, 2013, http://ec.europa.eu/echo/media/photos/picture_stories/burma06_en.htm (accessed February 11, 2013).

While the figures of the displaced reveal the serious humanitarian crisis at hand – and clarify who is most vulnerable – they do not address the commission of acts that led to the displacement, nor the state's support for those acts.[107]

Human Rights Watch has obtained new evidence of human rights violations accompanying the October 2012 violence in Arakan State. This includes several eyewitness accounts of a massacre of at least 70 Rohingya on October 23 in Yan Thei village, Mrauk-U Township, in which security forces responded poorly, some actively colluding with the attacking Arakanese, as well as evidence of other unlawful killings.

State security forces also used unlawful force while conducting large-scale security operations in the state. In some instances, there is evidence that security forces opened fire on Rohingya who were not threatening them.

Massacre in Yan Thei Village

At approximately 6:30 a.m. on October 23, several thousand Arakanese armed with spears, swords, knives, homemade guns, sticks, metal rods, Molotov cocktails, and other weapons approached the predominantly Rohingya Muslim village of Yan Thei in Mrauk-U Township. According to Rohingya survivors, only five to ten Lon Thein riot police had been deployed to protect the village despite ample warning that an organized attack by Arakanese was likely. When the Arakanese appeared, the small contingent of riot police put a red flag in the ground, fired shots in the air, and told each side no one was to cross the flag. When the Arakanese disregarded that order and attacked the village, the riot police did nothing to stop them.

Immediately prior to the Arakanese attack on Yan Thei, the Lon Thein squad had disarmed the Rohingya villagers of sticks and other rudimentary weapons they were holding, despite thousands of Arakanese with weapons approaching the village. They apparently made no effort to place themselves between the villagers and the attackers or lead the villagers to a safer location. A 25-year-old Rohingya man in Yan Thei told Human Rights Watch:

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[107] The government estimate of IDPs is undoubtedly on the low side because it is based on the number of displaced who are registered in formal camps and not those who are in more remote or unregistered displacement sites.

> We had no arms. We only had wooden sticks, but the Lon Thein took them. First we went outside the village [when thousands of Arakanese approached], and then the Lon Thein told us to go back inside the village and then they took the sticks from our hands. First the [Lon Thein] security told us, "Do not do anything, we will protect you, we will save you," so we trusted them. But later they broke that promise. The Arakanese beat and killed us very easily. The security did not protect us from them.[108]

Another Rohingya villager described what happened:

> Many people came. They were Arakanese from outside the village. When they arrived in our village, the [Lon Thein] security opened fire in the air toward the Arakanese but they came again and again and finally burned down the village. After Lon Thein [initially] fired their guns, they took weapons from us and [the Lon Thein] stopped for two hours and went away. After two hours, they [the Lon Thein] came back and attacked us too.[109]

A 30-year-old Rohingya man who survived the attacks also alleged the Lon Thein participated in the attacks against them: "Lon Thein shot at us. They were accompanied by the Arakanese. I saw at least seven or ten Lon Thein holding guns. The nearby Arakanese villagers also came after us. There was nothing we could do."[110] Human Rights Watch was unable to confirm if Lon Thein personnel directly committed killings in Yan Thei.

The same man said that the Lon Thein initially directed some of the Rohingya to leave the village as it was being attacked but later failed to protect them when the Arakanese assailants found them:

> When the Arakanese first attacked [the village], the security personnel took some of us outside the village, near the cemetery. When they [Arakanese] were burning down our houses they [Arakanese] didn't attack us, but after burning down the houses, they [Arakanese] attacked us in the cemetery

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[108] Human Rights Watch interview with K.S., Mrauk-U Township, Arakan State, November 2012.

[109] Human Rights Watch interview with J.R., Mrauk-U Township, Arakan State, November 2012.

[110] Human Rights Watch interview with J.Q., displacement site, Sittwe, Arakan State, November 2012.

> with knives. They killed so many, more than 70 of us from the village, including women and children. Another 25 people were injured and are still here [outside Yan Thei village]. Some were hit on the head [with machetes] and some on their sides and hands.[111]

A 25-year-old Rohingya man said:

> The policemen were telling us to go back in to the village. At that time the Arakanese were coming toward us [from the village]. We were trapped. ... First they [police and army] said they would protect us but when the violence started they took sides with the Arakanese people. ... When the Arakanese set fire to our village, they [the Arakanese] were using [slingshots] on the people too. One of my brothers was hit with a metal arrow. We went to help my brother and then some Arakanese cut the throats of two from our group. One man's name is Mohammed Ahmin. He was 45 years old. He was the village head. I saw everything. I was very close, just a few feet away. I lost two other family members [in the violence in Yan Thei] and buried them.[112]

A 24-year-old Rohingya man said:

> There were so many Arakanese coming to our village, from every side. They surrounded the village. The Arakanese stormed our village and started setting fire to our houses and threatening to kill us. Women and children fled the village first and some of the Arakanese chased them and killed them while some others Arakanese were still in the village, burning houses down. At least 30 children were killed, 25 women, and 10 men.[113]

Several Rohingya and Arakanese said the security forces did not intervene to stop violence until it had calmed in the early evening, after a full day of bloodshed. Rohingya villagers

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[111] Human Rights Watch interview with J.Q., Mrauk-U Township, Arakan State, November 2012.

[112] Human Rights Watch interview with K.S., displacement site, Sittwe, Arakan State, November 2012.

[113] Human Rights Watch interview with J.R., displacement site, Sittwe, Arakan State, November 2012.

said reinforcements from the army did not arrive in the village until after 5 p.m., despite the attacks beginning in the morning and continuing all day.[114]

Another villager said: "I saw so many people killed, and so many houses burned. We were all running. The whole day was full of violence."[115]

An Arakanese woman, 68, from Yan Thei said: "I didn't see any police or army. I didn't see any soldiers when the violence started."[116] Another Arakanese woman added, "On that day the police or military were not stopping the violence."[117]

Several Arakanese who did not participate in the violence told Human Rights Watch that when they fled their villages in Mrauk-U Township – some by van – they encountered Muslims while they were en route to Mrauk-U town, who fired slingshots at them. Again, they said, there was no security.[118]

While the Arakanese involved in attack on Yan Thei appeared to number in the thousands, assisted by riot police, the Burmese government has reportedly arrested only six Arakanese men for their role in the violence. By most recent accounts all are detained in Sittwe still awaiting charges.[119]

Several Arakanese from Yan Thei were killed or injured during the violence, while the remainder of the Arakanese villagers are now displaced, living in a Buddhist monastery in Mrauk-U town. A displaced Arakanese woman told Human Rights Watch that a group from the monastery visited Yan Thei with security provided by the army and police to collect the bodies of the Arakanese killed.[120]

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[114] Human Rights Watch interviews with J.Q., J.R., K.S., Mrauk-U township, Arakan State, November 2012.

[115] Human Rights Watch interview with K.S., Mrauk-U Township, Arakan State, November 2012.

[116] Human Rights Watch interview with L.Q., displacement site, Arakan State, November 2012.

[117] Human Rights Watch interview with M.S., Mrauk-U Township, Arakan State, November 2012.

[118] Human Rights Watch interviews with Arakanese IDPs in Mrauk-U Township, November 2012.

[119] "Police Extends [sic] Remand of Six Arrested Arakanese Men in Sittwe," *Narinjara*, November 24, 2012, http://www.bnionline.net/index.php/news/narinjara/14217-police-extends-remand-of-six-arrested-arakanese-men-in-sittwe.html (accessed December 5, 2012).

[120] Human Rights Watch interview with L.O., Mrauk-U Township, Arakan State, November 2012.

Records from the village head seen by Human Rights Watch placed the number of Rohingya killed at 52. Two witnesses believe the number was more than 70.

Killings by Security Forces

In June and October, Burmese security forces killed numerous Muslims attempting to extinguish fires or otherwise limit damage to their homes. This suggests that the authorities were willing to use lethal force against Rohingya and Kaman Muslims who were trying to prevent a forced population transfer.

A Kaman Muslim, 31, told Human Rights Watch that he witnessed the police open fire on a group of Muslims in Kyauk Pyu on October 23 in the presence of army soldiers who did nothing:

> I saw three people hit by bullets from the police. They were seriously wounded and eventually died. ... They were standing right in front of me trying to stop the fires. They had water buckets. When I was trying to pour water on the fire, a man next to me was shot in the back of the head.[121]

The man said those killed were Muhammad Rafi, 21, Ali Khan, 16, and Ibrahim, 17.

A 52-year-old Kaman Muslim shopkeeper from Kyauk Pyu witnessed the shootings as well and said:

> Three boys were shot in front of me. They died and we took the bodies to the mosque. It was the police who shot them. When they were shot they were trying to stop the fires near the mosque. They were shot in the head, the chest, behind the ear.[122]

A Kaman man, 49, from Baik Seik village in Kyauk Pyu told Human Rights Watch:

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[121] Human Rights Watch interview with S.M., displacement site, Sittwe, Arakan State, October 2012.

[122] Human Rights Watch interview with J.K., displacement site, Sittwe, Arakan State, November 2012.

> One side of the road was Arakanese and one side was Muslim. They [the Arakanese] came and set fire to the Muslim houses. We were trying to extinguish the fires. When the houses were burning they came to our mosque. They threw petroleum bottles [Molotov cocktails] at the mosque. Nearly 50 or 60 bottles were thrown. ... Some houses around the mosque also burned down. At that time we gathered to defend ourselves against the Arakanese but the police shot at us. Three died on the spot and another five were injured. I was near to it, maybe 20 yards away. ... The police were the ones who fired their guns. The army just watched.[123]

A Kaman man, 39, from Kyauk Pyu said that he witnessed the killing of a teenage boy by the army on October 23:

> I saw my neighbor Sicthu Myint shot by the army. He was killed on the spot. He was 16 years old. I was standing in front of my house. I heard the sound first and then I saw him fall down. I didn't see exactly which person shot him but the army was nearby, just across the street, in front of him – they shot him.[124]

In Minbya Township, at least six Rohingya villages were burned down. Tha Yet Oak village in Minbya Township – regarded as the most prosperous Rohingya village in the state – is connected to a nearby Arakanese village by a single road. On the morning of October 22, an estimated 3,000 Arakanese with various weapons approached Tha Yet Oak on the road. A 56-year-old Rohingya man said the violence began after morning prayers:

> There were only five army soldiers in the [Arakanese section of the] village. The Arakanese were coming and coming. First they attacked and set fire to Khamal Ahmud's house. Then they set fire to Usman's house, and then Nurul's house. At that time, some other Arakanese were attacking with [slingshots] and spears, so we fled to the riverside. Seven people were injured. One had been shot. Seven were killed and six children are still

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[123] Human Rights Watch interview with K.R., displacement site, Sittwe, Arakan State, November 2012.

[124] Human Rights Watch interview with L.S., displacement site, Sittwe, Arakan State, November 2012.

> missing. I saw the Arakanese shoot guns with my own eyes. The village is totally burned down.[125]

He and others initially fled to Mrauk-U Township until they encountered ongoing attacks in another area of Mrauk-U Township, and turned around.[126]

Witnesses also told us that in early October, Burmese military personnel dumped the bodies of three Rohingya prisoners in an area outside Ba Du Baw IDP camp, which local Rohingya buried in a single grave. They said the bodies showed signs of torture. One of the witness, a Rohingya man, 48, said:

> There were three dead bodies from the jail. We buried them. The car was a military truck but the people in charge told us the bodies were from the jail. One person's body was beaten and his ankle joint was very dislocated. There was a large wound on the leg. The chest looked broken. It was sunken in. There were bruises on all their faces.[127]

Arakanese assailants were among those killed in the violence. In the Muslim quarter of Kyauk Pyu, near the seashore, significant violence was directed at Kaman Muslims who were preparing to flee by boat. A Kaman Muslim man, 49, estimates that nearly 2,000 Arakanese approached the boats "and tried to attack" them as they were waiting for high tide so their boats could depart. He said:

> We also had weapons. There were nearly 300 of us men. We got out of the boats and were waiting for the fight. At that time one Arakanese man came alone towards us and our villagers chopped him to death. He died on the spot. Another man also came towards us and we killed him too. Someone cut his head off and a person from our village held it up and showed it to the others [Arakanese]. At that time the army came and pointed their guns towards us. They shot in the air and our people retreated to the boats.[128]

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[125] Human Rights Watch interview with K.J., displacement site, Arakan State, November 2012.

[126] Ibid.

[127] Human Rights Watch interview with K.Q., displacement site, Sittwe, Arakan State, November 2012. See also Human Rights Watch group interview, displacement site, Sittwe, Arakan State, November 2012.

[128] Human Rights Watch interview with K.R., displacement site, Sittwe, Arakan State, November 2012.

An Arakanese woman, 32, who was part of a small Arakanese minority living in the predominantly Rohingya village of Purin in Mrauk-U Township, described what happened when an Arakanese mob attacked the village:

> Some Muslims were crawling through the paddy farms, carrying homemade weapons, as the Arakanese people started coming to fight. One Arakanese guy went close to those who were crawling in the paddies and they attacked him, and started to hack his body with swords. I saw that when I was on the way to find safety at the school.[129]

An Arakanese man in Mrauk-U Township told Human Rights Watch that 16 Arakanese men had died in the violence in October but only 5 bodies were recovered. He said that they knew who went into the village to "fight" with the Rohingya, and they judged the number killed according to who was unaccounted for after the violence.[130] This was confirmed by other Arakanese.[131]

None of the eyewitnesses to the violence with whom we spoke said the authorities had sought their testimony regarding killings. To date, the government has done little to establish the identities of the deceased, or interview witnesses to the killings, let alone to steps to hold perpetrators accountable. Two Rohingya said they were interviewed by the presidential commission to investigate the situation in Arakan State, but there is no evidence of any ongoing inquiry into killings by state security forces.

In response to questions submitted to the government by Human Rights Watch, the Ministry of Border Affairs claimed there were 211 deaths since June – 59 Arakanese and 152 Rohingya – and that it determined that figure "by collecting information and data from both sides of the conflicted parties and from townships and villages, ten households and hospitals."[132]

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[129] Human Rights Watch interview with L.O., Mrauk-U Township, Arakan State, November 2012.

[130] Human Rights Watch interview with L.N., Mrauk-U Township, Arakan State, November 2012.

[131] Human Rights Watch group interview, Mrauk-U Township, Arakan State, November 2012.

[132] See Appendix II, Ministry of Border Affairs, "Answers for English Version on Human Rights Watch Questions," Government of Burma response to Human Rights Watch, February 26, 2013, pp. 2-3. Note the government referred to 211 "casualties" and then went on to explain 270 injuries – 153 Arakanese and 117 Rohingya, leaving us to determine that by "casualties" they meant "dead."

Government Failure to Protect

In October 2012, Burmese army and navy units in some instances provided security for Rohingya and Kaman Muslims who were under attack by Arakanese, or were fleeing violence.[133] Very often, however, security was either inadequate or absent, security forces did not intervene to stop the violence, or actively colluded with Arakanese attackers.

Local authorities should have expected and planned for the violence. According to Hla Thein of the National Democratic Party for Development (NDPD), which enjoys support among Rohingya in northern Arakan State, "There were [threats of violence] ahead of the riots [in October]. We knew Kyauk Pyu was going to burn and repeatedly warned concerned government authorities about it but they kept on saying 'We got it' and then the town was burned down."[134]

In Minbya, Pauktaw, Mrauk-U, and Kyauk Pyu Townships, security forces were largely absent. If present, they at most fired warning shots in the air to stop approaching groups of Arakanese and then stepped aside. In several reported cases, they actively participated in the violence.

As described above, on October 23 the security forces in Yan Thei village disarmed the Muslim residents and then fired in the air as the Arakanese mob approached before standing aside while the massacre took place. Some members of the security forces directly participated in the day-long killing.[135]

Security forces were all but absent when thousands of Arakanese with weapons attacked Tha Yet Oak village in Minbya Township, despite months of rising tensions there. A 56-year-old Rohingya from Tha Yet Oak told Human Rights Watch:

> More than 3,000 Arakanese came from three sides. There were no Lon Thein and only a few military are stationed in Tha Yet Oak, in the Arakanese

[133] Human Rights Watch interviews with S.J., L.S., M.N., M.O., displacement sites, Arakan State, November 2012.

[134] Aye Nai, "Group Says Death Toll in Arakan Higher Than Gov't Figures," *Democratic Voice of Burma*, November 13, 2012, http://www.dvb.no/news/group-says-death-toll-in-arakan-higher-than-gov%E2%80%99t-figures/24723 (accessed February 2, 2013).

[135] See the section of this report, "The Massacre in Yan Thei Village."

> village. There were no security personnel [based] in our Rohingya village. At that time, an army man fired a warning shot in the air but the Arakanese also shot into the air. They had guns, too.[136]

Muslim areas in Pauktaw were also under threat but little government security was provided. When the threat of violence by groups of Arakanese was brought to the attention of government officials during community meetings in the months prior to the October attacks, Rohingya villagers said they were simply told to prepare to flee. A Rohingya fisherman from Pauktaw said:

> We had no security for our lives in our village. We tried to stay there but it was impossible. The Arakanese were coming every night, shouting and threatening to set fires. We reported it to military and police security and they advised us that in these conditions we should not stay and we should leave this place.[137]

A predominantly Kaman Muslim section of Kyauk Pyu town in Kyauk Pyu Township was attacked by Arakanese with weapons on October 23 and 24. A Kaman Muslim man said he witnessed the police kill three people. He said the police and army failed to intervene when thousands of hostile Arakanese entered his village. He said:

> When the tensions were highest [on October 23] the police and army did not come. Before, they came every day during the previous month, but on that day they did not come. When the soldiers finally arrived in the village, we asked for help for security, but they just stood along the side of the street. They told everyone to come out of their houses. They said it was not their problem where we would go – they just said we should go. I saw maybe 20 police and 20 soldiers total. The Arakanese people were in the thousands. The authorities had weapons and the Arakanese had sticks and knives and other weapons. I saw some Arakanese carrying a few tanks of petrol. It was before the fires started. The police and army did nothing.[138]

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[136] Human Rights Watch interview with K.J., Minbya Township, Arakan State, November 2012.

[137] Human Rights Watch interview with S.K., displacement site, Sittwe, Arakan State, October 2012.

[138] Human Rights Watch interview with S.M., displacement site, Sittwe, Arakan State, October 2012.

A Kaman man, 62, from Kyauk Pyu said:

> The next day [October 24] at 5 a.m. more and more Arakanese were gathering for a meeting and when dawn broke they entered into the Muslim part of the village. At 7 a.m. I saw two Arakanese people and two army soldiers walking together. They crossed in front of me. I asked the soldier if he had any orders to protect the Muslim people. "Please be aware of your duty, we are very weak," I said. The soldier replied, "The only thing you can do is pray to save your lives."[139]

Another Kaman Muslim, 43, said: "I saw five or more army soldiers in front of my fish shop. The whole village was burning. When I saw the soldiers I thought they would help us, but they just shouted at us to get out quickly."[140]

During the violence in Kyauk Pyu, local security forces and groups of Arakanese colluded in committing violent acts that forced the remaining Kaman Muslims to flee. A Kaman man, 31, from Kyauk Pyu said:

> On October 23 many Arakanese came into the village and said, "This is not your place, this is our property because this country is ours." The military and police entered the village and said the same things to us. They said we should go. ... The police and military came and told people to come out of their house, and they said if we didn't we'd all be killed. They said they couldn't provide us with security. At that time, the Arakanese people had started setting fires. They set the mosque on fire first and then the houses. ... And in the presence of the military and police, they entered our homes and took what they wanted. Most of the people in Kyauk Pyu possess property. They took our belongings and then set fires [to our houses]. They [the authorities] didn't take any action against them.[141]

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[139] Human Rights Watch interview with J.K., displacement site, Sittwe, Arakan State, November 2012.

[140] Human Rights Watch interview with L.K., displacement site, Arakan State, November 2012.

[141] Human Rights Watch interview with S.M., displacement site, Sittwe, Arakan State, October 2012.

Security forces also participated in confiscation of property, particularly in Kyauk Pyu where the Kaman Muslim population was relatively prosperous by local standards. A Kaman Muslim said:

> The soldiers walked in front of my house and ordered us to get out of our houses. Before setting fire to my house, they came and took all my goods and property from my house. It was the Arakanese, police, and army. I sent my family somewhere else for safety. When they were taking my property I went to a nearby place to secretly watch what they were doing.[142]

A Rohingya man, 27, from Minbya articulated a common sentiment among Muslims whom Human Rights Watch interviewed, saying: "We cannot get any protection from police and very little from the army."[143]

An Arakanese woman, 32, who is part of the small group of Arakanese who live in the predominantly Muslim village of Purin in Mrauk-U Township, said she did not participate in the violence: "When the unrest started, during that time there was no security. One woman called by phone to downtown. The police told us before that if violence started we should call them, but they came very late. That is why people were killed."[144]

Rohingya villagers fleeing Pauktaw on October 23 and 24 encountered Burmese navy ships at sea that provided them with temporary protection overnight, including food and water, before permitting them to continue their flight to Sittwe where they hoped to find a safe haven. Others, however, explained that the navy told them they had no permission to travel onward to Sittwe and sent them back to their villages – and into the hands of their attackers. For instance, a Rohingya man from Pauktaw said:

> When we left our village, we crossed near the navy and the navy stopped us and sent us back toward our village. The navy showed us their guns and

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[142] Human Rights Watch interview with K.R., displacement site, Arakan State, November 2012.

[143] Human Rights Watch interview with J.N., displacement site, Sittwe, Arakan State, November 2012.

[144] Human Rights Watch interview with L.O., Mrauk-U Township, Arakan State, November 2012.

> said we weren't allowed to go to Sittwe. After one night and one day passed, we came to Sittwe. That time the navy didn't stop us.[145]

At least 150 boats of Rohingya families fled the area of Pauktaw. While security forces in Pauktaw and navy ships at sea facilitated the flight of some who fled from Pauktaw, the Nasaka did not let them land once they reached the shores of Sittwe, at the time the only location with official IDP camps. A Rohingya fisherman said: "When we reached here at the beach, the Nasaka and army arrived and pushed us back to the sea. We tried to force our way on the shore but they wouldn't let us come on shore."[146]

Moreover, those who were ultimately granted permission by navy ships to go to Sittwe were, upon arrival, kept isolated on beaches by security forces that failed to facilitate the delivery of humanitarian aid and subjected them to beatings.

Beatings and Other Abuses by Security Forces

> The security person said we could not stay and we had to go, and they beat us with their gun barrels. They kicked us and beat us with sticks, too. They beat us for nearly two hours. I am younger so I was behind the village elders. First they kicked and beat the elders of the village.
> —Rohingya man, 27, Pauktaw, Arakan State, October 2012

Burmese security forces committed numerous abuses against civilians during large-scale security operations in Maungdaw and surrounding villages following the sectarian violence in June 2012.[147] No action was taken against those responsible. After the violence in October 2012, the security forces again committed serious violations against local populations.

Thousands of Rohingya fled attacks by Arakanese in Pauktaw in late October by taking boats to the coast near Sittwe. State security forces prevented these Rohingya from entering the areas where official IDP camps were located. Instead they forced them to remain in various coastal areas without shelter or access to basic necessities for several

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[145] Human Rights Watch interview with S.J., displacement site, Arakan State, November 2012.

[146] Human Rights Watch interview with M.N., displacement site, Arakan State, November 2012.

[147] Human Rights Watch, *The Government Could Have Stopped This*, pp. 29-30.

weeks. During this time the Rohingya were subject to beatings and other mistreatment by the security forces.

A 30-year-old Rohingya man who fled from Pauktaw told Human Rights Watch that displaced people whom the security forces deemed to have spent too much time in makeshift latrine areas – near an unofficial IDP site outside Sittwe – were beaten:

> One day [following the October violence] the troops beat up five people here at the coconut garden [makeshift IDP site]. There are no latrines so when we go to the toilet we have to cross the field. The security accused those who went to the toilet of taking too much time and beat them up. Two of them became unconscious. I saw it happen.[148]

A Rohingya man, 27, from Pauktaw said:

> We had our boats and because of the heavy tide the boats filled with water, so we had to empty them manually. We had to go and do that every day. When I was doing that a Nasaka soldier with a rifle hit me with the butt. I was hit here on the shoulder and it still is painful.[149]

There is evidence that the abuses continued well after the October violence. On November 31, Police Battalion 12 moved approximately 250 Rohingya displaced persons who had constructed shelter near an area known as the Old Bridge, located between IDP camps outside Sittwe. The authorities allegedly moved the group to Sin Ta Maw, in Pauktaw Township, against their will, but five families stayed behind. One woman in the group who had remained had given birth less than two weeks before, and another was in the later stages of pregnancy. The authorities returned the following day, December 1, and beat the woman who had given birth and several others, according to aid workers.[150] This attracted a crowd of Rohingya and then the police opened fire, wounding several Rohingya. A Rohingya man present told Human Rights Watch:

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[148] Human Rights Watch interview with S.O., displacement site, Sittwe, Arakan State, October 2012.

[149] Human Rights Watch interview with M.N., displacement site, Sittwe, Arakan State, October 2012.

[150] Telephone and email communications with two aid workers in Sittwe, Arakan State, December 2-4, 2012.

> The police and state government tried to evacuate some people from near the Old Bridge to the Sin Ta Maw camp. ... The people didn't want to go to Sin Ta Maw so they didn't want to go to the army truck, and the police battalion opened fire on them. I saw at least two men and one woman shot and injured by the bullets. They left the wounded behind and just left.[151]

Human Rights Watch spoke to others who alleged that eight Rohingya were wounded in the shooting and that the police left them behind. However, we were unable to independently confirm the reasons why the authorities were moving the displaced persons, or to where.[152]

Amateur video footage taken on October 23 and 24 shows police and Arakanese casually standing together in areas of Kyauk Pyu while the town is in flames. In some scenes Arakanese are throwing what appear to be Molotov cocktails onto properties while security forces stand nearby. Muslims attempt to extinguish fires at one end of a road while Arakanese, security forces, and a fire truck all wait idly at the other end of the road. In one scene, police appear to shoot directly into a small group of Rohingya, one of whom has a slingshot, while Arakanese stand behind the police, watching.[153]

Since June 2012, the UN and its humanitarian partners in Arakan State have also independently documented numerous human rights abuses committed by the Burmese authorities against the Rohingya. These include forced labor – for sentry duty, road maintenance, and "camp related tasks" – and arbitrary detention, including of children below the age of 16, and extortion.[154]

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[151] Human Rights Watch interview with M.P., displacement site, Sittwe, Arakan State, December 2012.

[152] Telephone and email communications with two aid workers in Sittwe, Arakan State, December 2-4, 2012.

[153] This footage was provided by a local individual to Reuters, and viewed by Human Rights Watch.

[154] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 28.

Satellite Imagery Showing the Scope of the Destruction

The Burmese government claims that 10,100 private, public, and religious buildings were burned or destroyed in Arakan State since June 2012, specifically 4,800 in June and 5,300 in October.[155]

Satellite images obtained by Human Rights Watch from merely four of the nine townships that experienced violence in October 2012 – Pauktaw, Kyauk Pyu, Myebon, and Mrauk-U – show 2,304 destroyed structures. Satellite images of affected areas in Sittwe, depicting destruction that occurred in June, show an additional 2,558 destroyed structures. In total, this satellite imagery documents the near-total destruction of 4,862 structures in 27 unique zones of destruction. The area covers 348 acres of mostly residential property in 5 of the 13 townships that experienced violence since June.

The affected areas are all predominantly Muslim neighborhoods and villages occupied by Rohingya, except Kyauk Pyu, where Kaman Muslims predominantly populated the destroyed areas.

The areas of scorched earth captured in the imagery include Narzi quarter in Sittwe, previously home to 10,000 mostly Rohingya Muslims and the economic center of Sittwe; Yan Thei village, which was the site of a massacre; and Kyauk Pyu, where those burned out were Kaman Muslims.

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[155] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 1.

III. Mass Graves

> I saw three trucks full of dead bodies, some wrapped in tarpaulin. They were brought to the funeral ground here [Thackabyin Rd.]. ...The smell was terrible.[156]
>
> —Rohingya man, displacement site, Sittwe, November 2012

In locations in Arakan State where violence and abuses have occurred since June, community members told us that state security forces have not provided information about the bodies they collect. This is particularly true in cases implicating the security forces. The failure to provide information about the bodies of victims of violence places a great burden on their families and will hinder future efforts to provide accountability and redress.

Human Rights Watch uncovered evidence of four mass-grave sites in Arakan State, three dating from the immediate aftermath of the June violence and one from the October violence. Rohingya men who participated in digging mass graves told us that they did so under orders from the authorities in four different areas: Yan Thei village in Mrauk-U Township and at three different sites near the Ba Du Baw IDP camp outside Sittwe. Several Rohingya said they had witnessed a large mass grave being dug by army personnel outside Ba Du Baw IDP camp.

Mass Graves at Yan Thei Village, Mrauk-U Township

As reported earlier in the report, the Arakanese attack on Yan Thei village on October 23 resulted in the deaths of at least 52 Rohingya, according to local village-head records obtained by Human Rights Watch. Two witnesses claim that at least 70 Rohingya died. On October 25, villagers began digging graves for Rohingya killed in the massacre. Several told us they began digging individual graves but police and army officials ordered them to dig larger graves in the interest of time. A Rohingya man told Human Rights Watch:

> That night [October 23], we could not collect the dead. We collected them in the morning but we could not bury them. We had to wait one day for [government] approval. Once we received permission we ... put three or four

[156] Human Rights Watch interview with K.O., displacement site, Sittwe, Arakan State, November 2012.

> bodies in one hole, and many more in other holes. ... The [larger] holes we dug were 10 feet wide and several feet deep. We made at least one very big hole and other smaller ones. At first we buried the bodies in single graves but then the soldiers said we should dig bigger graves because single graves would take too much time. They wanted it done quickly. It was both the police and army who ordered us to dig bigger graves. They were watching over us.[157]

Another Rohingya man said he buried 61 people, and he estimated that others later died from injuries, making a total of about 70 killed:

> We dug the graves. We buried 11 men, 20 women, and nearly 30 children. At that time the children couldn't escape with their parents. All the children were killed by knife, and then they threw them into the fire. They had burns. I brought some of the burned, dead bodies here to bury them. We buried the dead bodies after getting permission from the army. When we were burying the bodies, the security forces were standing nearby. They were together, the army and the police.[158]

A Rohingya man who buried his mother said:

> My mother was stabbed with a knife in her head and neck. She died from bleeding. She died in the evening. I was with her at the time. We could not do anything for her. Later, we received permission from the authorities to bury her, so we buried her. I dug her grave with some other relatives.[159]

Mass Grave on Thackabyin Road

Eyewitnesses told Human Rights Watch that immediately following the wave of June violence, on June 14, Burmese army soldiers dug a mass grave on the road to Thackabyin outside the Ba Du Baw IDP camp, just west of Sittwe.

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[157] Human Rights Watch interview with J.R., Mrauk-U township, Arakan State, November 2012.

[158] Human Rights Watch interview with J.Q., Mrauk-U Township, Arakan State, November 2012.

[159] Human Rights Watch interview with K.S., Mrauk-U Township, Arakan State, November 2012.

Displaced Rohingya and local villagers confirmed the details of what happened: three military trucks arrived at the Muslim cemetery and then pulled away when people gathered; soldiers dug holes in what was formerly a Buddhist cremation compound several hundred yards away; and several dozen bodies were unceremoniously buried. They assumed the bodies were Muslim because the bodies were buried – had they been Buddhist they would have most likely been cremated – and because the trucks appeared to have left the Muslim cemetery to avoid a crowd of Rohingya that had gathered.

In a response to a question from Human Rights Watch about how dead bodies were dealt with by the authorities, the Ministry of Border Affairs claimed on February 26 that dead Rakhine bodies were cremated in Akyeiktawkone cemetery in order to avoid "Bengali villages and refugee camps" that existed on the same road as another cemetery.[160] The government claimed, "The dead bodies of Bengalis [Rohingya] were buried in their religious cemeteries with the arrangement of [the] Rakhine State Government."[161]

A Rohingya woman said:

> There were three military trucks. I saw them digging a pit and one truck was parked near the pit. When we passed by the funeral ground, there were two men holding shovels over a pit. There were bad smells and no one was allowed to pass through there. I saw one person who tried to go into the area and he was stopped by the military. The men next to the pit had on undershirts and military uniform trousers. I saw them take a lot of dead bodies out of one truck. I saw them drop them next to the pit. I also saw a coffin being laid on the ground. There was one coffin and the rest were piled up bodies. If I guessed I would say there were around 50 or 60 bodies. Some bodies had clothes on, some didn't.[162]

Another Rohingya woman who had been walking on the road to Thackabyin, told us:

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[160] Ministry of Border Affairs, "Answers for English Version on Human Rights Watch Questions," Government of Burma response to Human Rights Watch, February 26, 2013, p.3. See Appendix II. This was in response to the question: "What did the authorities do with the bodies of those killed during the sectarian violence in Arakan State? What was the procedure for handling the bodies? Where are the location(s) of the bodies?"

[161] Ibid.

[162] Human Rights Watch interview with K.N., displacement site, Sittwe, Arakan State, November 2012.

> At around 10 a.m. we saw the truck filled with dead bodies. There were two people wearing t-shirts with army pants. They were digging in the ground and there were two other trucks parked there. The men who were digging were Burman or Arakanese. I think they were all army people. There was an awful smell coming from the area. When we returned from shopping they hadn't finished digging the ditch. I could see in the back of the truck and the smell was very bad. One dead body was in a wooden coffin. ... The [displaced Muslim] men walking back and forth on the road also saw it but they didn't want to tell anybody. People are very afraid to talk.[163]

A Rohingya woman said that government trucks, including the truck filled with dead bodies, arrived in the morning of June 14:

> At first they went to the Muslim cemetery, slowed down to a stop, and then the trucks turned around and drove back toward the Buddhist funeral ground [several hundred yards away]. The soldiers buried the bodies themselves. I watched them do it. We think they saw us taking photos the day before, and that they knew we took photos, so they went elsewhere [to the Buddhist funeral ground]. And [Rohingya] people were gathering as they drove near the Rohingya cemetery.[164]

Some bodies also appear to have been cremated. A 26-year-old Rohingya man who had witnessed killings of Rohingya by the police in nearby Narzi on June 12 said:

> They [army] let us take some dead bodies, but the rest of them we couldn't take. Most of the Muslim bodies were taken away by the authorities and cremated in the Buddhist cremation center. The place I am living is less than a mile away from the cemetery. We could see the burning [at the cremation center].[165]

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[163] Human Rights Watch interview with L.K., displacement site, Sittwe, Arakan State, November 2012.

[164] Human Rights Watch interview with K.M., displacement site, Sittwe, Arakan State, November 2012.

[165] Human Rights Watch interview with Z.E., Sittwe, Arakan State, June 2012, *The Government Could Have Stopped This*, p. 31, n. 70.

In a response to questions from Human Rights Watch, the government claimed that bodies of Arakanese were cremated in "Akyeiktawkone cemetery"; they did not mention the cremation of Rohingya bodies.

Mass Graves Outside Ba Du Baw IDP Camp

Witnesses said that on June 13, a government truck arrived at an area outside Ba Du Baw IDP camp and dumped 18 naked and half-clothed bodies in a pile.

Human Rights Watch obtained photos from local sources showing a cluster of bodies, including at least one of a child. Although Human Rights Watch was unable to confirm the identities of the victims, local witnesses and those who buried the bodies asserted they were Rohingya.

Some bodies had their hands still bound, and appeared to have been killed execution style.[166] Many showed signs of blunt force trauma, stab wounds, and gunshot wounds. Human Rights Watch visited the location where the photos were taken and learned at least three Rohingya men had been ordered to bury the bodies in two nearby graves.

A 48-year-old Rohingya man explained the condition of the bodies, matching what is depicted in the photos obtained by Human Rights Watch:

> They dropped the bodies right here. Three bodies had gunshot wounds. Some had burns, some had stab wounds. One gunshot wound was on the forehead, one on the chest. Two men's hands were tied at the wrists in front and another one had his arms tied in the back. We buried the bodies. ... I saw one police car and two municipal trucks [bring the bodies]. After dropping off the bodies the police ordered us to bury them.[167]

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[166] Local Rohingya took the photos at great personal risk, since possession of mobile phones and cameras routinely results in serious repercussions, including violence or detention. One Rohingya woman told Human Rights Watch, "No one is allowed to handle cameras or telephones. These will bring great trouble." Human Rights Watch interview with K.M., displacement site, Sittwe, Arakan State, November 2012.

[167] Human Rights Watch interview with K.Q., displacement site, Sittwe, Arakan State, June 2012.

A Rohingya woman who also witnessed the burial said: "On the 13th [of June] some municipal people brought dead bodies here so some people could bury them. They just threw down the bodies. They left 18 bodies that day. That was early in the morning, around 9 a.m."[168]

One Rohingya man explained that the authorities dumped bodies on two consecutive days: "The first day it was a municipal truck and the second day it was a municipal truck. I saw it both days but we were afraid to take a photograph."[169]

The bodies that were dumped were buried in two pits demarcated with two makeshift bamboo fences constructed by local Rohingya. Human Rights Watch photographed the gravesites, marked the GPS coordinates,[170] and interviewed other witnesses and gravediggers who all provided similar details.[171]

Human Rights Watch was unable to learn the provenance of the bodies. A Rohingya man, 36, said that he had helped place 17 bodies of Rohingya in an army truck in Narzi, several kilometers away, on June 12.[172] Other witnesses to the violence in Narzi also reported seeing detained Rohingya tied in ways similar to that described by those who saw the corpses:

> At one time, when they [Arakanese] came I saw them catch one [Rohingya] man and they tied his hands behind his back and made him sit in the street. There were police nearby. They were working together [with the Arakanese]. They tied his hands behind his back with a gray-color plastic string. They had very long swords.[173]

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168 Human Rights Watch interview with K.M., displacement site, Sittwe, Arakan State, Burma, November 2012.

169 Human Rights Watch interview with K.O., displacement site, Sittwe, Arakan State, June 2012.

170 The GPS coordinates of the two side-by-side graves are: Lat: 20.175491º N and Lon: 92.819115º E

171 Human Rights Watch interviews outside Ba Du Baw IDP camp, Arakan State, Burma, November 2012.

172 "They [Arakanese] started torching the houses. When the people tried to put out the fires, the paramilitary [police] shot at us. And the group beat people with big sticks. ... We collected 17 bodies with some help from the authorities [army]. ... I can only identify one person. His name was Mohammad Sharif. He was 28 years old. ... We picked up the bodies. We put them on the military trucks. I saw one clearly; the bullet went through the chest on the left." Human Rights Watch interview with Z.E., Sittwe, Arakan State, June 2012, *The Government Could Have Stopped This*, p. 26, n. 54.

173 Human Rights Watch interview with K.M., displacement site, Sittwe, Arakan State, November 2012.

Another Rohingya woman who fled her home in Sittwe on June 10 said: "They [police and Arakanese attackers] brought everybody they caught to the road. They tied everybody behind their backs."[174]

Bodies Taken by State Security Forces

Several Muslims told Human Rights Watch that they saw security forces collecting dead bodies after the violence in June and October. Apart from concerns about accountability for the crimes that were committed, the Muslim communities considered it offensive that they were unable to provide proper religious burials for their dead.

A Rohingya woman, describing events that took place in Narzi quarter, Sittwe, in June, told Human Rights Watch: "Nobody could carry the dead bodies. Some of us tried to get the bodies but we couldn't. I saw the security forces take the bodies of the two young boys and young men who I saw get shot."[175]

A Kaman Muslim man who witnessed the police kill two boys aged 16 and 17 and a 21-year-old man just a few feet away from him in Kyauk Pyu said:

> They [the three] were all dead. We took their bodies into the compound of the mosque. They were not buried. By the time we left our village there were [many] dead in Kyauk Pyu. It was both police and Tatmadaw [army] who took them. I saw them taking the bodies away. Many people are still missing today. I don't know where the bodies are now.[176]

A Rohingya man, 56, from Minbya witnessed four killings by Arakanese in his village on October 22. He said, "We have no information about our relatives' dead bodies. We have our own graveyard but they are not buried there. I do not know who took the dead bodies."[177]

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[174] Human Rights Watch interview with K.K., displacement site, Sittwe, Arakan State, June 2012.

[175] Human Rights Watch interview with K.M., displacement site, Sittwe, Arakan State, November 2012.

[176] Human Rights Watch interview with S.M., displacement site, Sittwe, Arakan State, October 2012.

[177] Human Rights Watch interview with K.J., displacement site, Arakan State, November 2012.

IV. Post-October Abuses

Rohingya Flight from Arakan State

> We cannot be afraid of the danger [of fleeing by sea]. We can get over the danger if it means we can get to another country. The danger cannot be worse than what we are living with here.[178]
>
> —Displaced Rohingya man from Pauktaw, Arakan State, November 2012

For decades, the Burmese government has made conditions so difficult for the Rohingya through severe restrictions in violation of their basic rights and abuses that many have taken great risks in attempts to flee the country.

In June and October 2012, there was again a massive Rohingya flight from Burma, which in some cases resulted in deaths at sea. In 2012, an estimated 13,000 people, including Rohingya and some Bangladeshi nationals, took to the high seas via the Bay of Bengal on smuggler's boats.[179] In the last three months of 2012 alone, which marks the first half of the so-called "sailing season" (usually October through March) for the Rohingya when the seas calm, an estimated 5,000 Rohingya fled by boat from the Bangladesh-Burma border area on 49 boats, dwarfing the exodus of previous years.[180] In February 2013, Thai officials announced that at least 6,000 Rohingya, including men, women, and children, had arrived on Thai shores.[181]

UNHCR has referred to the large number of departures during this sailing season following the violence and abuses in Arakan State as "unprecedented."[182] Regular departures took place directly from Sittwe and other parts of Arakan State, in addition to the usual

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178 Ibid.

179 Vivian Tan, "Desperation Drives More Rohingya Onto Smugglers' Boats," United Nations High Commissioner for Refugees, January 22, 2013, http://www.unhcr.org.uk/news-and-views/news-list/news-detail/article/desperation-drives-more-rohingya-onto-smugglers-boats.html (accessed January 31, 2013).

180 United Nations High Commissioner for Refugees, "Information Note: Mixed Maritime Movements in the Asia-Pacific Region," December 18, 2012, p. 3.

181 Amy Sawitta Lafevre, "After Myanmar Violence, almost 6,000 Rohingyas Arrive in Thailand," Reuters, February 7, 2013, http://www.reuters.com/article/2013/02/07/us-thailand-rohingya-idUSBRE91609W20130207 (accessed February 11, 2013).

182 UNHCR, "Information Note: Mixed Maritime Movements in the Asia-Pacific Region," p. 3.

departures from Bangladesh, and for the first time in recent years, women and small children were among those fleeing.[183]

A Rohingya fisherman from Pauktaw, who had survived for weeks in an unofficial, makeshift IDP camp outside Sittwe that had received no humanitarian aid, said:

> It will be better if we can go to another country. We want to leave this place. Life in our village is like life here [in the IDP camp] – the Arakanese move around freely but we can't go anywhere. How can we stay here? It will be better to leave for another country. We all want to go. We want to do hard work and we want to learn. We want health care and education and rights. We cannot have that here.[184]

Rohingya in Arakan State told Human Rights Watch they flee because of violence and abuses from Arakanese and state security forces, and because government officials and Arakanese communities have restricted and obstructed the delivery of humanitarian aid to affected Muslim populations since the violence broke out in June.[185]

Affected Arakanese populations have not suffered restrictions on humanitarian aid.[186] In Myebon, for example, a relatively small number of displaced Arakanese were provided adequate shelter in tents – and elsewhere in local schools and monasteries – sanitation, food, and medical supplies. At the same time, 4,000 displaced Rohingya just kilometers away were living in squalor, without adequate shelter, sanitation, or other basic necessities weeks after their displacement. They were also guarded by soldiers and prevented from leaving.[187]

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[183] Ibid. pp. 2-3.

[184] Human Rights Watch interview with M.O., displacement site, Arakan State, November 2012.

[185] See Human Rights Watch interviews with displaced Rohingya and Kaman Muslims, interviews with S.J., S.K., S.L., S.N., S.O., S.P., S.Q., J.S., J.J., J.K., J.M., J.R., K.S., K.J., K.M., Arakan State, October and November 2012; See also "Burma camp for Rohingyas 'dire' – Valerie Amos," BBC News, December 5, 2012, http://www.bbc.co.uk/news/world-asia-20615778#story_continues_1 (accessed December 6, 2012).

[186] Human Rights Watch interviews with displaced Rohingya and Kaman Muslims, Arakan State, October and November 2012; see also "Burma camp for Rohingyas 'dire' – Valerie Amos," BBC News, December 5, 2012, http://www.bbc.co.uk/news/world-asia-20615778#story_continues_1 (accessed December 6, 2012).

[187] Ibid.

In Mrauk-U Township, Human Rights Watch interviewed both displaced Arakanese Buddhists, who had adequate shelter, food, water, sanitation, and freedom of movement, and nearby displaced Rohingya, who had very little food, inadequate shelter, and inadequate medical care, among other urgent unmet needs.[188] Local Arakanese communities provided an outpouring of support for the Arakanese, which significantly supplemented assistance provided by private national fundraising drives and international humanitarian agencies.

As detailed in chapter VI, central government authorities continue to deny humanitarian groups unfettered access to some affected areas, and local Arakanese continue to obstruct the delivery of aid to Rohingya through violent threats aimed at aid workers. Such threats have contributed to pressure on Rohingya to flee the country. Government authorities in Arakan State claim they have investigated some of the incidents in which threats were made – but this has evidently not prevented or discouraged continued threats against humanitarian organizations.[189] In some areas the authorities and the Arakanese community appear to be in unified opposition to any delivery of aid to Muslim communities. While the army has the capacity to intervene to secure aid deliveries, it has not done so.[190]

OCHA acknowledged the resumption of all regular humanitarian aid projects of partners across Arakan State "is yet to be achieved."[191] On December 5, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordination, Valerie Amos, visited Arakan State and described the humanitarian situation as "dire." She said: "I saw thousands of people in overcrowded, sub-standard shelter with poor sanitation. ... They don't have jobs, children are not in school and they can't leave the camp because their movement is restricted."[192]

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188 See Human Rights Watch interviews with J.Q., J.R., K.S., L.O., L.P., L.Q., L.R., M.S., M.J., M.K., M.L., Mrauk-U Township, Arakan State, November 2012.

189 Human Rights Watch meetings with representatives of international agencies operating in the country, Rangoon, July and November 2012.

190 See, for example, Jonah Fisher, "Burma's Displaced Rohingya Suffer as Aid Blocked," December 13, 2012, http://www.bbc.co.uk/news/world-asia-pacific-20694414?print=true (accessed January 31, 2013).

191 UNOCHA, "Humanitarian Bulletin: Myanmar," November 26, 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin%20Issue%20November%202012.pdf (accessed April 10, 2013), p. 2.

192 UN News Centre, "Top UN relief official calls on Myanmar's leaders to support humanitarian efforts," December 5, 2012, http://www.un.org/apps/news/story.asp?NewsID=43686&Cr=myanmar&Cr1=#.UMBNyrYY1K5 (accessed December 6, 2012).

Each Muslim IDP camp is different, reflecting problems of coordination and access. Human Rights Watch found a variety of deplorable humanitarian conditions in each of the official and unofficial IDP camps visited. In some camps there is inadequate shelter or none at all, a lack of water and sanitation, medical care, and other necessities. Moreover, the UN found that 98 percent of the displaced Muslim population was prevented from accessing markets.[193] These conditions, combined with trauma from the recent violence and abuse, make the option of fleeing the country worth the risk for many Rohingya.

Thousands of asylum seekers have attempted to flee from Burma to Bangladesh since violence erupted in June 8, crossing the Naf River or finding alternative routes. But the Bangladeshi government closed its borders, forcing asylum seekers back to sea on barely seaworthy boats in violation of its obligations under customary international law.[194] Rohingya have died after being pushed back to sea by Bangladesh Border Guards.[195]

In January 2013, UNHCR reported that 485 Rohingya from Arakan State and Bangladeshi nationals drowned in four boat accidents in the Bay of Bengal—but likely many more have drowned.[196] The media reported that Thai navy officials allegedly removed the engine of a boat filled with over 100 Rohingya men, women, and children, and then pushed the boat back to sea – 97 on board starved to death after 25 days stranded at sea.[197]

Regardless of obvious risks of a sea voyage on rickety, overcrowded boats, many Rohingya still sought to travel to Malaysia or Thailand by sea. In November, Human Rights Watch spoke to a group of approximately 70 displaced Rohingya who were part of a larger group

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193 UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 7.

194 See Human Rights Watch, *The Government Could Have Stopped This*, pp. 49-50.

195 A journalist told Human Rights Watch that he interviewed a Rohingya mother of six whose family had been repeatedly turned back by Bangladeshi authorities during the second week of June 2012, before the boat finally made it to Bangladesh. She told the journalist, “We floated in the sea for four days and nights. My five-year-old daughter died in the boat. She starved to death under the hot weather in the sea.” Human Rights Watch viewed a tape-recorded interview with the woman and other members of her family on June 28t in Bangladesh. Cited in Human Rights Watch, *The Government Could Have Stopped This*, p. 49.

196 Vivian Tan, “Desperation Drives More Rohingya Onto Smugglers’ Boats,” UNHCR, January 22, 2013, http://www.unhcr.org.uk/news-and-views/news-list/news-detail/article/desperation-drives-more-rohingya-onto-smugglers-boats.html (accessed January 31, 2013).

197 “97 Burmese asylum seekers die after 25 days stranded at sea,” Associated Press, February 22, 2013, http://www.guardian.co.uk/world/2013/feb/22/burmese-asylum-seekers-die-25-days-at-sea (accessed March 5, 2013).

from Pauktaw living in an isolated and treeless coastal area outside Sittwe – referred to as Ohn Taw Gyi, or the "coconut garden" – struggling in the hot daytime sun without adequate food, potable water, latrines, and other necessities. Nearly every person indicated they intended to flee Arakan State by boat to Malaysia or Thailand. Many remarked that their only obstacle to fleeing Arakan State was financial.[198]

Illicit boat departures have become a lucrative underground business in Arakan State, involving local brokers and sizable payments to Nasaka and the Burmese navy. According to reports from Rohingya, some departing boats have paid the Nasaka 100,000 kyat (US$120) and the navy 50,000 kyat (US$60).[199] Individual Rohingya have been forced to pay over $2,000 to smugglers, who have threatened to kill Rohingya asylum seekers they have transported unless payment is received from family members.[200]

In past years, boats carrying Rohingya typically left from northern Arakan State and Bangladesh, and included only men and teenaged boys. However, boats are now departing from Sittwe Township as well as northern Arakan State and Bangladesh, and for perhaps the first time, are carrying women and young children as well.[201]

For two decades, UN bodies have documented the Rohingya flight from Arakan State as a result of systematic rights abuses. In September 2010, the UN special rapporteur on human rights in Burma reported that the discrimination against the Rohingya by the state "leads to forced deportation."[202] In March 2012, the special rapporteur highlighted the cause-and-effect between discrimination and boat departures: "The impact of these policies of discrimination ... has resulted in the exodus of many from the community [who] attempted the dangerous journeys by boat, risking their lives at sea. Some were

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198 Human Rights Watch group interview with Rohingya IDPs, displacement site, Arakan State, November 2012.

199 Human Rights Watch interview with M.P., displacement site, Arakan State, December 2012.

200 See Vivian Tan, "Desperation Drives More Rohingya Onto Smugglers' Boats," UNHCR, January 22, 2013, http://www.unhcr.org.uk/news-and-views/news-list/news-detail/article/desperation-drives-more-rohingya-onto-smugglers-boats.html (accessed January 31, 2013).

201 Human Rights Watch interviews with displaced Rohingya in areas surrounding Sittwe, October and November 2012; See, also, "50 still missing after boat tragedy off Bangladesh," *ABC News*, November 9, 2012, http://www.abc.net.au/news/2012-11-08/an-bangla-rescue/4361720 (accessed December 7, 2012).

202 UN General Assembly, "Situation of human rights in Myanmar," A/65/368, September 15, 2010, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Myan%20A65%20368.pdf (accessed April 10, 2013), p. 16-17.

pushed back to the sea. Others remain in detention facilities in the countries where they landed."[203]

Tightened Restrictions on Rohingya

> We cannot get a degree, and not a single student can travel to Rangoon for studies. We cannot travel anywhere.[204]
>
> —Rohingya man from Sittwe, Arakan State, November 2012

Since the violence in June, the Burmese government has tightened its discriminatory restrictions on the Rohingya, although many of the policies have been in place for decades. These include restrictions on freedom of movement, marriage, education, employment and economic livelihood, land and property ownership, freedom of religion, and other basic facets of everyday life. Many of these restrictions stem from the Rohingya's lack of Burmese citizenship, and are discriminatory measures based on the racial and religious identity of the group.

In the past, state officials have tightened such restrictions following periods of sectarian violence and abuses,[205] and residents and aid workers told us that the aftermath of the

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[203] Tomas Ojea Quintana, "Progress report of the Special Rapporteur on the situation of human rights in Myanmar," UN General Assembly A/HRC/13/48, March 10, 2010, http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.48_en.pdf (accessed April 10, 2013) p. 13.

[204] Human Rights Watch interview with S.N., Sittwe, Arakan State, October 2012.

[205] In 2001, following violent clashes between Arakanese and Muslims in Sittwe, measures to "strengthen" restrictions were imposed, similar to what Burma's Union Minister for Home Affairs Lt. Gen. Ko Ko announced to parliament on July 31, 2012. The UN Special Rapporteur for human rights in Burma from 2000-2008, Sergio Pinheiro, wrote in 2001:

> Reportedly, as non-citizens they [Rohingya] are subjected to a rule according to which they are required to obtain authorization to travel outside their township. The implementation of this rule is said to have been tightened, especially after reported clashes between Rakhine [Arakanese] Buddhists and Muslims in Sittwe, the State capital, in February 2001. ... Allegedly, at present only a few rich people can afford a travel authorization. ... Such restrictions would affect the livelihood of common Muslims and Hindus, compelling some of them eventually to leave the country.

UN General Assembly, "Situation of human rights in Myanmar," A/56/312, August 20, 2001, http://www.unhcr.org/refworld/type,COUNTRYREP,UNGA,MMR,3c7cb0d94,0.html (accessed April 10, 2013), pp. 13-14.

Based on over 30 interviews with Burmese Muslims and various religious leaders in Burma, Human Rights Watch released a briefing entitled *Crackdown on Burmese Muslims*, which also describes tightened restrictions following attacks against Muslims by Arakanese in Sittwe in 2001:

> Restrictions seem to have been far more rigidly enforced last year because of heightened concerns about the Muslim community. There are many credible reports of Muslims being taken off buses and trains when they were not able to produce their travel papers, and in some cases even when they did. For instance, in February 2001,

October violence was no exception. A Rohingya former staff member of an international NGO said: "We cannot travel anywhere. Now, after this [violence], the army and the government will definitely not allow it. Normally we can only travel with a letter from the state immigration department and now no one gets that."[206]

For the most part the government acknowledges rather than disputes the restrictions it imposes on the Rohingya, which have long been reported by the UN and human rights organizations.[207]

On July 31, Burma's home affairs minister, Lt. Gen. Ko Ko, told parliament that as a result of the influx of "illegal immigration" of Rohingya and their "long-term settlement" in the region, the government would strengthen many of the existing restrictions. He said:

> Border Regions Immigration Inspection Command Headquarters is tightening the regulations in order to handle travelling, birth, death, immigration, migration, marriage, construction of new religious buildings, repairing and land ownership and right to construct building of Bengalis [Rohingya] under the law.[208]

Nasaka, which enforces many of the restrictions in northern Arakan State, is notorious for corrupt practices, including demanding exorbitant bribes from Rohingya in exchange for permission to carry out basic aspects of life. Rohingya found to have violated restrictions are typically detained, beaten and mistreated, and extorted prior to being released. In

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> eight Muslim men traveling to Rangoon were arrested despite having identity papers because they were traveling outside Arakan State without permission from the local police. They were sentenced to seven years imprisonment. In October, a Muslim man was taken off a plane in Kawthaung airport in southern Burma, bound for Rangoon without apparent reason; his ticket was cancelled.

Human Rights Watch, *Crackdown on Burmese Muslim*, July 2002, http://www.hrw.org/legacy/backgrounder/asia/burmese_muslims.pdf (accessed April 10, 2013).

[206] Human Rights Watch interview with S.N., displacement site, Arakan State, October 2012.

[207] See reports by UN Special Rapporteurs on human rights in Burma listed in footnote #400; Human Rights Watch, *Burmese Refugees in Bangladesh,* May 2000, http://www.hrw.org/reports/2000/05/01/burmese-refugees-bangladesh-0 (accessed March 1, 2013), part III. See also "Reforms must be undertaken for financial and legal institutional development during the drafting process of monetary and capital market law: MPs," *New Light of Myanmar*, August 1, 2012, http://www.burmalibrary.org/docs13/NLM2012-08-01.pdf (accessed April 10, 2010).

[208] "Reforms must be undertaken for financial and legal institutional development during the drafting process of monetary and capital market law: MPs," *New Light of Myanmar*, August 1, 2012, http://www.burmalibrary.org/docs13/NLM2012-08-01.pdf (accessed April 10, 2010).

2012, Nasaka arbitrarily detained between 2,000 and 2,500 Rohingya for such “offenses” as repairing homes without permission and having “unregistered animals” – animals that are not registered with Nasaka. Those in custody typically secure their release through payments to Nasaka commanders, usually through brokers or middlemen.[209]

A Rohingya man, 32, said:

> Nasaka is the real only authority in Arakan State, made of local groups – military, police, immigration, and customs. The four law enforcement groups come together. This is only in Arakan State, and it is the worst one, the most terrible one. Nasaka says that even when you breathe you need permission from us. If they want they can take our cattle anytime they want. They arrest people, they take money – they do whatever they want.[210]

A Rohingya elder told Human Rights Watch:

> It is their [Nasaka’s] official objective to check the border, to control the infiltration of foreigners, to harass the native Muslim population. Everything is “taxes.” If you want to move from one place to another, you have to pay. If you have a baby cow, you have to report it and pay. If you repair your house without permission, you’ll be sent to jail, and then you’ll be forced to pay. We cannot marry without permission. We have to pay.[211]

A UN official in northern Arakan State told Human Rights Watch:

> The local [Rohingya] homes [in Maungdaw] are made of leaves, very basic houses, and they have to repair them for the rainy season. If you want to repair your house, you have to pay money to agents. Nasaka will never take it directly. They have an agent system. A civilian is typically responsible for collecting money and mediating the issues. If a Rohingya wants to go from one village to another, they need permission, and Nasaka signs the

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[209] Human Rights Watch interview with A.E., Rangoon, June 2012.

[210] Human Rights Watch interview with Z.A., Rangoon, June 2012.

[211] Human Rights Watch interview with A.Z., June 2012.

permission. It is a difficult procedure that involves payments and money. In some cases the village administration directly would collect the money, in other cases it would be the brokers. ... The fear of Nasaka among the Muslim population is very high. There are also other restrictions on property. If a Rohingya has one more goat or cow than the records show, they would be in trouble. The more livestock they have, the more they would have to pay.[212]

This extortion is particularly damaging given that the Rohingya, even before the recent violence, were possibly the poorest population in Burma's second poorest state.[213]

Relatively wealthy Rohingya – a small minority – have been targeted specifically since October and have in the past been fined up to 10 million kyat [$12,000], and in some cases as high as 20 million kyat [$24,000].[214]

The discriminatory restrictions on marriage have tightened since October, making it more difficult for Rohingya to obtain official permission to marry.[215] Men and women are often arrested and sentenced to prison for unlawful marriages.[216] "Lawful" marriages require sizable payments to Nasaka. A staff member of an international NGO operating in northern Arakan State said:

> Marriages are very difficult [to obtain]. Couples need to pay a lot. If they get married unofficially then their kids are not considered legal. Some women who wear burkas have been forced to take them off. They have no access to land. If they want to do any rehabilitation on their houses, they have to pay. And it costs them 500,000 kyat [$600 USD] to construct a

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[212] Human Rights Watch interview with A.E., Rangoon, June 2012.

[213] About 44 percent of Arakan State inhabitants live below the poverty line, second only to Chin State, according to a 2011 study by the UN Development Program. See UNDP, "Integrated Household Living Conditions Survey in Myanmar (2009-2010): Poverty Dynamics Report, June 2011; see also UN General Assembly, "Report of the Special Rapporteur on the Situation of Human Rights in Myanmar," A/66/365 (September 16, 2011), http://www.ohchr.org/Documents/Countries/MM/A-66-365.pdf (accessed April 10, 2013), p. 17.

[214] Email communications with representative of The Arakan Project, a non-governmental organization focusing on the plight of the Rohingya in northern Arakan State, December 9, 2012.

[215] Human Rights Watch communications with two Rohingya in Arakan State, September 2012-January 2013.

[216] Irish Center for Human Rights, *Crimes Against Humanity in Western Burma: The Situation of the Rohingyas*, 2010, http://www.nuigalway.ie/human_rights/documents/ichr_rohingya_report_2010.pdf (accessed April 10, 2013), p. 129-131.

> house. They are actually taken to jail and forced to negotiate if they violate any of the rules.[217]

Human Rights Watch received numerous reports of "night checks" – unannounced raids by Nasaka into Muslim homes to check home occupancy. Security personnel typically enter Muslim homes unannounced and count family members against their records. If the figures conflict, the officials detain some or all of the residents, and in many cases, extort, and beat or otherwise mistreat them before letting them go. Human Rights Watch received information about such raids by authorities in Maungdaw Township following the waves of violence in June and October, and in early December in Myoma Kayidan and Shweza villages, resulting in several arrests.[218] At least one report of a nighttime check that allegedly resulted in mass rape of Rohingya women has also come to light since October.[219] Human Rights Watch also received information on many other alleged abuses that have not been independently verified.

The UN official in northern Arakan State said that fines can be between 200,000 and 1 million kyat, depending on the accusation.[220]

Some Arakanese nationalists expressed their opposition to the increased restrictions on movement of the Rohingya since October – but ironically not because freedom of movement is a human right, but because it prevents Rohingya from leaving Arakan State. An Arakanese activist told Human Rights Watch: "They [officials] block the Bengali people from going to Rangoon. This is terrible for us. Even the Burmese [Burman] people are really worried about the Bengali people coming to Rangoon."[221]

The Burmese government has also systematically violated the Rohingya right to education – this, too, has intensified since the violence began. Displaced Rohingya and those confined to their villages in and outside Sittwe said that since June, education for their children has been unavailable. After the October violence, the government

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[217] Human Rights Watch interview with A.A., June 2012.

[218] Human Rights Watch interview with Rohingya man in Maungdaw Township, December 2012.

[219] See Francis Wade, "Rape by security forces 'may cause more strife' in troubled region," *Guardian*, February 26, 2013, http://www.guardian.co.uk/world/2013/feb/26/burma-security-forces-rape-arakan (accessed February 28, 2013).

[220] Human Rights Watch interview with A.E., Rangoon, June 2012.

[221] Human Rights Watch interview with L.N., Mrauk-U Township, Arakan State, November 2012.

prevented Rohingya and other Muslims from accessing education in Sittwe Township.[222] According to a Rohingya man living near Sittwe:

> We haven't had access to any education since the violence. At the same time, the Arakanese living downtown …their children can attend school. The levels of access for our children are very different now. They [the Arakanese] can attend primary class but for us, it's not available here.[223]

A university-age Rohingya student from Sittwe said: "In Maungdaw and Buthidaung the [Muslim] students can't attend university, and even the students living near the university here [in Sittwe] can't attend the university. The government said they could not provide security for us."[224]

A local Rohingya leader from Aung Mingalar, the last remaining Muslim neighborhood in Sittwe, told Human Rights Watch:

> There is one school in Aung Mingalar, but no one has attended it since June. The teachers were mostly Arakanese and they don't dare come here anymore. And there are no schools in the [IDP] camps. We want to build schools and madrassas. Donations could come from the OIC [Organization for Islamic Cooperation] but the government won't let the OIC come here, and we don't think the government will build schools here.[225]

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[222] Since October 2012, Muslims have not been allowed to attend the university in Sittwe. The IDP camps also lack any meaningful provision of education. Human Rights Watch interviews, displacement sites, Arakan State, November 2012.

[223] Human Rights Watch interview with S.Q., displacement site, Sittwe, Arakan State, October 2012.

[224] Human Rights Watch interview with J.J., displacement site, Arakan State, October 2012.

[225] Human Rights Watch interview with J.M., displacement site, Arakan State, November 2012.

V. The Response from Naypyidaw

While the central government's rhetoric on the situation in Arakan State has evolved and become more nuanced since the October violence, its overall response to the situation remains woefully inadequate.

The central government has made repeated conciliatory gestures to foreign diplomats and representatives of intergovernmental and nongovernmental organizations, chaperoning several visits to Arakan State for envoys from the US, UK, Australia, Turkey and other countries, as well as UN and international NGO officials. The government also permitted visits by the media. Rohingya displaced persons have also been gradually receiving more aid, though still far short of adequate – in part because of government approvals and action in response to demands from humanitarian agencies for greater access and support.

However, members of the Arakanese community and state security forces continue to commit violence against Rohingya throughout the state. The government's humanitarian response in many areas remains dismal, giving rise to what OCHA has referred to as a "potentially devastating" effect on displaced Rohingya.[226]

Early on in the crisis, on July 12, 2012, President Thein Sein said that the "only solution" to the situation in Arakan State was to send "illegal" Rohingya to "third countries" or to refugee camps overseen by UNHCR. He said:

> We will take care of our own ethnic nationalities, but Rohingyas who came to Burma illegally are not of our ethnic nationalities and we cannot accept them here. … The solution to this problem is that they can be settled in refugee camps managed by UNHCR, and UNHCR provides [sic] for them. If there are countries that would accept them, they could be sent there.[227]

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[226] UNOCHA, *Humanitarian Bulletin: Myanmar*, February 2013, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin%2C%20Issue%20February%202013.pdf (accessed April 10, 2013), p. 1.

[227] "Call to Put Rohingya in Refugee Camps," *Radio Free Asia*, July 12, 2012, http://www.rfa.org/english/news/rohingya-07122012185242.html (accessed February 2, 2013).

The statement was quickly rejected by UNHCR, which responded, "Resettlement under the UHNCR program is only for recognized refugees. And people cannot be refugees in their own country. So it is not logical to talk about resettlement for people who are in their own country."[228]

Instead of provoking outrage in Burma, the remarks generated considerable popular support for Thein Sein.[229] The response reflected the widespread anti-Rohingya views of many Burmese that extends far beyond the Arakanese community, who themselves have often been at odds with the Burman-dominated government. Many Burmese continue to invoke the president's call for expatriation of Rohingya as a political solution to the Rohingya "problem."

In September 2011, the government established the Myanmar National Human Rights Commission (MNHRC).[230] President Thein Sein appointed the 15 members of the commission, including chairman Win Mra and Vice-Chairman Kyaw Tint Swe.[231] From June 27 to July 1, Win Mra, an ethnic Arakanese, led a three-member commission team to Arakan State to assess the situation. On July 11, the commission provided its findings to the government, reportedly finding that no government abuses had occurred and that all humanitarian needs in Arakan State were being met.[232]

Following this, the president's office publicly denied the severity of the violence and allegations of abuse in Arakan State. An August 21 press release from the Ministry of

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[228] Saw Yan Naing, "UNHCR Rejects Rohingya Resettlement Suggestion," The *Irrawaddy*, July 13, 2012, http://www.irrawaddy.org/archives/9076 (accessed December 9, 2012).

[229] Human Rights Watch interviews in Arakan State, Rangoon Region, and Mandalay Region, September-November 2012.

[230] The MNHRC was created under Government Notification 34/2011. "Formation of Myanmar National Human Rights Commission," *New Light of Myanmar*, September 6, 2011, http://www.burmalibrary.org/docs11/NLM2011-09-06.pdf (accessed April 10, 2013).

[231] Regarding independence from the government, according to the Sub-Committee on Accreditation of National Human Rights Institutions (NHRIs), executive instruments such as decrees and orders do not comply with the Paris Principles, which are minimum standards relating to the status and functioning of NHRIs for the protection and promotion of human rights. See International Coordinating Committee of NHRIs Sub-Committee on Accreditation, general observations, Geneva, 2009, para. 1.1., www.ihrc.ie/download/pdf/genera_observations_sca.pdf (accessed July 14, 2012); See also, OHCHR, *National Human Rights Institutions: History, Principles, Roles, and Responsibilities*, Professional Training Series No. 4 (United Nations: New York and Geneva, 2010), p. 32, http://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf (accessed April 8, 2013).

[232] Myanmar National Human Rights Commission, "Statement No. (4/2012) of Myanmar National Human Rights Commission concerning incidents in Rakhine State in June 2012," *New Light of Myanmar*, July 11, 2012, http://www.burmalibrary.org/docs13/NLM2012-07-11.pdf (accessed April 10, 2013).

Foreign Affairs stated that the situation was neither a conflict between two religious groups nor a humanitarian issue, but rather "was only the violence [sic] conflict between two communities within a state of Myanmar following a criminal act." The ministry blamed foreign media and organizations for issuing statements "based on false and fabricated news," and denied that sectarian issues had any bearing on the situation, stating:

> The incidents ... are sectarian conflicts which are purely internal affairs of a sovereign state. They are not relating to any kind of religious persecution or religious discrimination. Therefore, we will not accept any attempt to politically regionalize or internationalize this conflict as a religious issue. Such attempt will not contribute to finding solutions to the problem, but will only complicate the issue further.[233]

Following the second major outbreak of violence and abuse in late October, the president's office asserted that "riots erupted ... unexpectedly." Thein Sein's press release on October 25 claimed implausibly low casualties – 12 deaths and 50 wounded from the October violence. The press release stated that "persons and organizations" were responsible for "conducting manipulation in the incidents ... behind the scene," and they "will be exposed and legal actions will be taken against them."[234] The government has made no further statements about the "persons and organizations" responsible.

In a November 16 letter to the UN secretary-general, Thein Sein further softened his public rhetoric noting that "once emotions subside on all sides" his government was prepared to "address contentious political dimensions, ranging from resettlement of displaced populations to granting of citizenship ... [to] issues of birth registration, work permits and permits for movement across the country for all, in line with a uniform national practice across the country ensuring that they are in keeping with accepted international norms."[235]

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[233] "The Government of the Republic of the Union of Myanmar, Ministry of Foreign Affairs," press release, August 21, 2012, http://www.president-office.gov.mm/en/issues/foreign-policy/id-568 (accessed April 10, 2013).

[234] "Statement with Regard to Conflict in Rakhine State," Republic of the Union of Myanmar, President Office, Statement no. 1/2012, October 25, 2012, http://www.mofa.gov.mm/news/2012/Sept_Oct2012/President%20Office%20Statemen%20on%20Conflict%20in%20Rakhine%20State_25-10-2012.pdf (accessed March 6, 2013).

[235] "Secretary-General Outlines Letter Received From President of Myanmar Pledging to Deal with Perpetrators of 'Senseless Violence,'" UN Department of Public Information, news release, SG/SM/14648, November 16, 2012, http://www.un.org/News/Press/docs//2012/sgsm14648.doc.htm (accessed December 9, 2012).

This was reiterated in a statement released on November 18, prior to US President Barack Obama's visit to Burma, asserting the government would "address contentious political dimensions, ranging from resettlement of displaced populations to granting of citizenship."[236]

Following these statements, and Obama's historic visit, the first to Burma by a sitting US president, the Burmese government not only failed to meet the commitments concerning Arakan State made to Obama, but its rhetoric made a sharp reversal. A December 6 press release from the Ministry of Foreign Affairs implicitly denies the existence of the Rohingya by referring to them as "so-called 'Rohingyas'" and "Bengalis," and denies any government wrongdoing against the Rohingya:

> The Ministry reaffirmed that the government security forces and local authorities have never [been] involved in the communal violence or racial and religious discrimination in Rakhine [Arakan] State as accused by some media and organizations. The Head of State and other responsible officials have also declared this to the world at the UN General Assembly, ASEAN Summit and the Non-Aligned Summit.[237]

Moreover, in a parliamentary session on February 21, 2013, Burma's deputy immigration and population minister, Kyaw Kyaw Win, denied the existence of the Rohingya.[238] Such denials imply the Rohingya are not entitled to protections and rights available to other Burmese minority communities and they leave them vulnerable to further abuse.

Even taking Thein Sein at his word regarding the commitments he made prior to Obama's visit, the timeline and manner in which the government intends to pursue solutions to the crisis remain unclear. In the meantime, the abuses and discrimination faced by the Rohingya, including unequal citizenship status, appear no closer to being resolved.

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[236] "The Government of the Republic of the Union of Myanmar," Information Team, Press Release No. 2/2012, November 18, 2012, http://www.president-office.gov.mm/en (accessed December 9, 2012).

[237] "The Government of the Republic of the Union of Myanmar Ministry of Foreign Affairs Press Release," Ministry of Foreign Affairs, press release, December 6, 2012, http://www.president-office.gov.mm/en/issues/foreign-policy/id-1202 (accessed March 7, 2013).

[238] David Stout, "Deputy minister denies existence of Rohingya during parliamentary session," *Democratic Voice of Burma*, February 21, 2013, www.dvb.no/news/deputy-minister-denies-existence-of-rohingya-in-parliament/26531 (accessed February 28, 2013).

VI. Humanitarian Concerns

In December 2012, the UN's humanitarian affairs office, OCHA, referred to the situation in Arakan State as "dire," and in February 2013 said there would be a "potentially devastating" effect on displaced Rohingya if the government did not take urgent action.[239] At least 125,000 people, the vast majority Rohingya Muslims, are living in official and unofficial IDP camps in the state and are in urgent need of humanitarian assistance.[240] This included at least 74,800 displaced from in June 2012 and more than 36,400 displaced in October 2012 from the violence and abuses.[241] These figures do not account for the unknown number of those who have fled Burma's borders since mid-2012.[242] Tens of thousands have not been receiving humanitarian aid.[243]

Since October, Human Rights Watch visited every major IDP camp in Sittwe Township as well as pockets of displaced persons in coastal and intra-coastal waterway areas, and in Mrauk-U Township. The displaced in Arakan State are located in 13 townships throughout the state. The 15 largest IDP camps are in the area of the state capital, Sittwe.

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239 See OCHA, *Humanitarian Bulletin: Myanmar, November 2012*, November 26, 2012, p. 1; "Burma camp for Rohingyas 'dire' – Valerie Amos," *BBC News*, December 5, 2012, http://www.bbc.co.uk/news/world-asia-20615778#story_continues_1 (accessed December 6, 2012); UNOCHA, *Humanitarian Bulletin: Myanmar*, February 2013, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin%2C%20Issue%20February%202013.pdf (accessed April 10, 2013), p. 1.

240 UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 1, refers to 115,000 displaced; European Commission, "Myanmar: Displaced Rohingyas still in dire need of urgent humanitarian assistance," January 31, 2013, refers to 126,000 displaced; OCHA attributes the figure of 120,000 displaced to the government of Burma in its February 2013 *Humanitarian Bulletin: Myanmar*, p. 1.

241 OCHA, *Myanmar: Displacement in Rakhine State*, situation report number 12, November 6, 2012, p. 1; Human Rights Watch, "Burma: Satellite Images Show Widespread Attacks on Rohingya," news release, November 17, 2012, http://www.hrw.org/news/2012/11/17/burma-satellite-images-show-widespread-attacks-rohingya (accessed December 7, 2012).

242 While the UN has not disaggregated the demographics of the displaced, UN Resident Coordinator Ashok Nigram has said: "The number of Rakhine [Arakanese] people who are displaced is far fewer than the number of Muslim people who have been displaced." Helen Regan, "Ashok Nigam: 'Fundamentally, everybody has a right to citizenship,'" *Democratic Voice of Burma*, December 13, 2012, http://www.dvb.no/interview/ashok-nigam-fundamentally-everybody-has-a-right-to-citizenship/25221 (accessed February 1, 2013).

243 "Humanitarian Emergency in Rakhine State, Myanmar: Greater Protection Needed for Vulnerable Communities and Threatened Staff," Medecins San Frontieres, press statement, February 7, 2013, http://www.msf.org/msf/articles/2013/02/myanmar-humanitarian-emergency-in-rakhine-state.cfm (accessed April 10, 2013).

Even in the larger camps populated by those who were displaced in June, the humanitarian needs are great. In November, OCHA reported that 2,900 children in the IDP camps were suffering from acute malnutrition and "facing high risk of mortality" from months of untreated malnutrition. The UN also reported that "shelter needs have significantly increased"; 20,000 displaced persons were without sufficient safe water, and 24,000 were without latrines; and 65 percent had no access to health facilities in their locations of displacement.[244] Several Rohingya and displaced Kaman told Human Rights Watch the greatest needs in the most established camps were medical care and education for the children.[245]

Nearly every IDP site differs – some Muslim displaced persons are living in overcrowded tent camps, others in "semi-permanent" structures constructed by the government, while others had no shelter or basic aid. They said that as of November, weeks after their arrival, Burmese authorities guarded them like prisoners. Some of the displaced stayed in a treeless coastal area, known colloquially as the "coconut garden," and were using tarps for shelter bearing the logo of a UN agency that they said they purchased from local merchants. The UN has noted that shelter "continues to be one of the main priorities for the displaced populations," and that "a number of people in Sittwe ... have been without adequate shelter since June."[246] UNHCR reported on January 30 that it was still in the planning stage of delivering tent shelters to areas where Rohingya had already been displaced for more than three months.[247]

These great needs reflect the lack of humanitarian access since the beginning of the crisis. The government failed to facilitate access for humanitarian organizations and created administrative obstacles, such as failing to issue travel authorizations and visas in a timely manner. Arakanese communities that were hostile to foreign aid workers who

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[244] OCHA, *Humanitarian Bulletin: Myanmar*, November 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin%20Issue%20November%202012.pdf (accessed April 10, 2013), p. 2.

[245] Human Rights Watch interviews with Rohingya IDPs in Sittwe Township, October and November 2012; see Human Rights Watch interview with M.P., displacement site, Arakan State, December 2012.

[246] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 23.

[247] UNHCR noted that, "The shelter team conducted 4 missions to Ah Nauk Ywe, Sin Tet Maw, Nget Chaung and Kyein Ni Pyin near Sittwe to plan for the distribution of 1,126 tents. The installation of tents donated by the Korean International Development Agency continues at Ohn Taw Gyi." UNHCR Myanmar, "Rakhine State Situation Update #9," January 30, 2012, p. 2.

delivered aid to Muslim areas also sought to obstruct access. [248] In some areas, such as Myebon, in which aid deliveries to Muslim communities were being blocked, the security forces failed to intervene.[249] After initial security concerns subsided, the government did not fully reinstate humanitarian programs of international organizations, primarily for the Rohingya population, that existed before the violence began.

The long-term intentions of the Burmese government regarding the Rohingya and other displaced Muslims are of particular concern. The government has yet to rebuild Muslim-owned houses destroyed in the violence or take measures to permit Rohingya or Kaman Muslim displaced persons return to their home areas.[250]

In contrast, the government has worked closely with local Arakanese communities to assist the few remaining IDP sites populated by displaced Arakanese, demonstrating the government has the ability to assist displaced populations should it have the political will to do so. Thousands of displaced Arakanese have returned home with assistance from the government and, according to Arakanese who spoke to Human Rights Watch and our own site visits to Arakanese IDP camps, those who remain displaced generally have adequate shelter, and are provided with food, water, sanitation, and other services.[251] UNHCR reported that the government, with assistance from UNHCR and Save the Children, will

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[248] In December 2012, UN Resident Coordinator Ashok Nigram stated that:

> The [government] response cannot be seen to be adequate within the time that we have had. ... There are issues of access to these communities that we have faced. We faced also issues in the allocation of land for putting up shelter. ... We have faced issues with communities who have been very averse to giving us access. And there is a level of discomfort that many foreign humanitarian workers feel when they go in and try to help the people in the Muslim areas. They have to go through Rakhine [Arakanese] areas, and in some areas there is a level of discomfort that is expressed to the international staff, who then feel reluctant to be able to go back and help. So that is an issue of access that we have. The government has become better in terms of allowing us to go to many of the areas in Rakhine [Arakan] but we still have administrative issues in terms of getting travel authorizations and visas on time. ... [This] doesn't help in a situation when we have to respond urgently.

Helen Regan, "Ashok Nigam: 'Fundamentally, everybody has a right to citizenship,'" *Democratic Voice of Burma*, December 13, 2012, http://www.dvb.no/interview/ashok-nigam-fundamentally-everybody-has-a-right-to-citizenship/25221 (accessed February 1, 2013).

[249] See, e.g., Jonah Fisher, "Burma's Displaced Rohingya Suffer as Aid Blocked," BBC News, December 13, 2012, http://www.bbc.co.uk/news/world-asia-pacific-20694414?print=true (accessed January 31, 2013).

[250] UNHCR reports that it has worked with the Burmese government to construct permanent housing for displaced Arakanese in Maungdaw, "with 243 houses completed by the government, UNHCR and soon, CARE." UNHCR Myanmar, "Rakhine Situation Update #9," January 30, 2013, p. 2.

[251] Human Rights Watch interviews with Arakanese IDPs, interviews with L.L., L.M., L.N., L.O., L.P., L.Q., L.R., M.S., M.J., M.K., M.L., M.M., Mrauk-Township, November 2012.

have rebuilt permanent housing for all displaced Arakanese by the end of February – a total of 669 houses.[252]

Unlike with the Rohingya, displaced Arakanese are not confined to the camps. Thus when Human Rights Watch visited the comparably small Arakanese IDP camps in June and October, only women and children, and the occasional monk, were present. The men were off working, including reconstructing their communities. A displaced 32-year-old Arakanese mother of two from Purin village in Mrauk-U Township told Human Rights Watch: "Some of our husbands are still staying at our houses and some are working in the town. Some are still in the village."[253]

UN agencies have repeatedly and publicly stressed the urgency of the situation, reported in detail on humanitarian and protection problems, and projected humanitarian needs through June 2013.[254] Several displaced Rohingya communities in Sittwe Township were informally working with nearby Rohingya villages to fill gaps and provide aid to the neediest Muslim IDP populations. Rohingya have been participating in camp committees tasked with, among other things, camp registration, which is required to receive aid from the World Food Program and other international agencies.[255]

The Burmese government has obligations under international law to ensure that all displaced persons have adequate access to food and other humanitarian relief.[256] The government has failed to meet its obligations by not addressing the security concerns of the Rohingya population, by imposing discriminatory restrictions on Rohingya freedom of

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[252] UNHCR Myanmar, "Rakhine State Situation Update #9," January 30, 2012, p. 2.

[253] Human Rights Watch interview with L.O., Mrauk-U Township, Arakan State, November 2012.

[254] See for example UNOCHA, *Humanitarian Bulletin: Myanmar*, February 2013, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin%2C%20Issue%20February%202013.pdf (accessed April 10, 2013); UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf (accessed April 10, 2013).

[255] See for example Human Rights Watch interview with K.M., displacement site, Arakan State, November 2012.

[256] See, e.g., OCHA, "Guiding Principles on Internal Displacement," principle 24(2) ("Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons."), http://reliefweb.int/sites/reliefweb.int/files/resources/AB752ABEA5C1EFFCC1256C33002A8510-idp.html (accessed April 10, 2013); ibid. principle 25(3) (All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.").

movement, and by unnecessarily restricting humanitarian agencies that are seeking to provide for populations at risk.

Access to Aid and Restrictions on Movement

> We can't go to the market and don't have enough food. I don't know what happened to our paddy fields that are ready for harvest now.
> —Displaced Rohingya man, 56, Minbya Township, November 2012

Tens of thousands of Muslims in Arakan State have not had sustained access to humanitarian assistance since the outbreak of violence in June 2012. This has not only affected displaced persons, but the many Muslim communities that have been unable to move freely to resume their livelihoods go to markets due to hostile Arakanese communities and restrictions on movement enforced by Burmese security forces.

According to OCHA, roughly 98 percent of "assessed IDPs" do not have access to markets.[257] Medecins San Frontieres reported that "tens of thousands of people are still unable to access urgently needed medical care."[258]

On December 5, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordination, Valerie Amos visited Arakan State and found that up to 4,000 Rohingya displaced persons in Myebon "can't leave the camp because their movement is restricted."[259]

Moreover, a humanitarian response plan published by OCHA on November 16 and agreed upon by humanitarian partners in Arakan State, noted: "The lack of access to basic services by the IDPs and some communities, whose freedom of movement is now even

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[257] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 7.

[258] "Myanmar: Violence and Intimidation Leave Tens of Thousands Without Medical Care," Medecins Sans Frontieres, news release, February 7, 2013, http://www.doctorswithoutborders.org/press/release.cfm?id=6628 (accessed April 8, 2013).

[259] "Top UN relief official calls on Myanmar's leaders to support humanitarian efforts," *United Nations News Centre*, December 5, 2012, http://www.un.org/apps/news/story.asp?NewsID=43686&Cr=myanmar&Cr1=#.UMBNyrYY1K5 (accessed December 6, 2012).

more limited than before the violence erupted in June, is also of serious concern."[260] Seven months later, in February 2013, UN Resident Coordinator in Burma Ashok Nigam, "stressed the need to address the issue of freedom of movement of the affected people, displaced or otherwise, as this is crucial to ensure resumption of livelihood activities and guarantee access to basic services to all people living in" Arakan State.[261]

In early November, a displaced Rohingya man in Yan Thei in Mrauk-U Township told Human Rights Watch:

> We cannot go anywhere. ... Before the Arakanese attacked us we had 2,460 people here. We are still here. The government told us they would supply food, oil and other things ... but it hasn't arrived. We cannot go out to the market or town, so we can't buy anything.[262]

A 24-year-old man in Yan Thei village said:

> We cannot move. … We are still here outside the village, in the open air. We have a makeshift tent made with leaves. The government supplied us with rice twice. Each family got four cups of rice. But we cannot go catch fish or buy anything from the market. Those who fled from the violence, they cannot come back. On the road, the Arakanese could attack us. We need more help from outside.[263]

Displaced persons who fled to Sittwe have faced similar problems. In November, a displaced Rohingya woman near Ba Du Baw camp told Human Rights Watch, "We have not received rations in three days. WFP usually delivers regularly but the rations have not come.

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[260] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 2.

[261] UNOCHA, *Humanitarian Bulletin: Myanmar*, February 2013, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin%2C%20Issue%20February%202013.pdf (accessed April 10, 2013), p. 1.

[262] Human Rights Watch interview with J.Q., displacement site, Arakan State, November 2012.

[263] Human Rights Watch interview with J.R., Mrauk-U Township, Arakan State, November 2012.

It has been five months now and there are still many people who have no shelter, no rations."[264]

A displaced man in a coastal area in Sittwe Township that had yet to receive any aid when we visited told us:

> Now we live with the cow manure. We stay where the buffalos live. We need rice and shelter and medicine and many other things. ... The government has not supplied anything here. Only the local people are helping us. … We have no latrines. We need a water supply because the well water is no good. During the day we are in the sun and during the night we have no covers. We have no blankets, no clothes, no food, no medicine. Those further out on the shore have it worse. They have no water at all.[265]

In some cases the government provided small amounts of aid to newly arriving displaced persons reaching coastal areas outside Sittwe town. A displaced Rohingya in the area told Human Rights Watch:

> We have been sleeping on the sand. When I arrived on the shore, the security forces supplied us with 17 bags of rice and 20 packets of noodles, and three water bottles. I think that came from the state government. Later these people here [members of the nearby Rohingya community] supplied us food. The first time [they came] we took money from those who came to donate food and we took rice and curry the [local community] donors gave us.[266]

Serious health concerns of the Muslim IDP population have not been addressed throughout the state, which UN agencies and international NGOs such as MSF have highlighted.[267] A displaced Rohingya man from Pauktaw said:

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[264] Human Rights Watch interview with K.M., displacement site, Arakan State, November 2012. At the time of writing, the World Food Program (WFP) had the most access of all international humanitarian agencies in the state and was providing food aid to affected populations.

[265] Human Rights Watch interview with M.O., displacement site, Arakan State, November 2012.

[266] Human Rights Watch interview with M.N., displacement site, Arakan State, November 2012.

[267] See "Humanitarian Emergency in Rakhine State, Myanmar: Greater Protection Needed for Vulnerable Communities and Threatened Staff," Medecins San Frontieres, news release, February 7, 2013; "Myanmar: Violence and Threats Block Access

> There are many sick here. Diarrhea and fevers are the most common illnesses. We have to live outside. The sun is very hot. There are also pregnant women here but no midwife. More than 10 women are pregnant here.[268]

When Human Rights Watch visited the government hospital in Sittwe in October 2012, there were no Muslim patients in the hospital. A hospital employee told Human Rights Watch: "There have been no Bengali [Rohingya] patients in the hospital. If some Bengali [Rohingya] patients were sent to the hospital there would be many problems. I think there is a separate hospital by the military, in the refugee [IDP] camp. This is a government hospital."[269]

A displaced Rohingya man in Sittwe said: "After our houses were burned down here we couldn't go to the government hospital. We cannot go to government hospitals."[270]

While a number of seriously injured Arakanese patients have been sent to Rangoon for treatment since June, this is not an option for the Rohingya because the government does not permit them to travel outside their townships. Kaman Muslims have citizenship and the right to travel, but they too face restrictions due to security. A Kaman Muslim man, 65, from Sittwe said:

> On September 28, a Kaman woman was attacked [in Sittwe] by Arakanese on her way back from the market. She was stabbed with a knife on her neck. She was sent to the hospital and was released. We were trying to send her to Rangoon for treatment. She cannot go outside here. She is very afraid to go outside here.[271]

Another humanitarian concern is with regard to displaced persons in Sittwe Township and other sites who are not registered with the UN and camp committees, and thus not receiving aid. The Burmese government has done little to ensure timely registration of IDPs at official government camps like Ba Du Baw IDP camp. A Rohingya woman near that camp

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to Medical Care in Rakhine State," Medecins Sans Frontieres, news release, November 5, 2012, http://www.doctorswithoutborders.org/press/release.cfm?id=6383&cat=press-release (accessed December 7, 2012).

[268] Human Rights Watch interview with M.O., displacement site, Arakan State, November 2012.

[269] Human Rights Watch interview with M.M., Sittwe, Arakan State, November 2012.

[270] Human Rights Watch interview with J.M., displacement site, Arakan State, November 2012.

[271] Human Rights Watch interview with J.P., displacement site, Arakan State, November 2012.

told Human Rights Watch about thousands who are unregistered in the camps and thus not receiving aid:

> The first step is to get a registration in the camp and if you don't get registration you don't get anything. There are 9,756 people registered here in Ba Du Baw camps, but there are over 14,000 people here. It is difficult. The registration is directly related to the rations. People are still coming every day. Some are from Pauktaw and Rathedaung.[272]

International aid workers who conducted unofficial surveys in the IDP camps estimated that approximately 40,000 people were receiving food aid as of January 30, 2013, leaving tens of thousands without adequate food and nutrition.[273] Win Myaing, a spokesman for the Arakan State government, suggested that Rohingya were deliberately inflating their own figures to receive more aid: "Now, when we are making a list in the camp over here, then people from [another camp] will come. Frankly, [the Rohingya] are just attempting to make the list bigger so that they can get more aid."[274]

Some Rohingya IDPs alleged that security forces stole their belongings when they reached the shore in Sittwe. A 30-year-old Rohingya described what happened to some villagers from his community: "Some of us were stopped by the seashore by the authorities. We were blocked there. I saw the authorities take away possessions they [the IDPs] brought. Instead of giving them aid and relief, they took things."[275]

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272 Human Rights Watch interview with K.M., displacement site, Arakan State, November 2012.

273 Human Rights Watch phone and email communications with international aid workers, Bangkok, Thailand, February 2013.

274 Hannah Hindstrom, "Thousands of Displaced Rohingya Still Receive No Aid," *Democratic Voice of Burma*, February 8, 2013, http://www.dvb.no/news/thousands-of-displaced-rohingya-still-receive-%E2%80%98no-aid%E2%80%99/26221 (accessed February 8, 2013).

275 Human Rights Watch interview with S.O., displacement site, Arakan State, October 2012.

Risks to Humanitarian Relief

> Staff continues to be subject to threats and intimidations, and this resulted in several resignations of key staff discharging vital services including health provision for both communities.[276]
>
> —United Nations Office for the Coordination of Humanitarian Affairs, Response Plan, November 2012

A major obstacle to the delivery of humanitarian aid has been deep and widespread animosity among the local Arakanese community towards UN agencies and international humanitarian organizations providing relief to displaced Muslim populations. Local Arakanese, in some cases led by Buddhist monks, have publicly protested against and physically obstructed aid to Rohingya, issued threats against aid workers, and distributed pamphlets calling on the Arakanese community to attack staff and supporters of specific organizations.

Human Rights Watch obtained several pamphlets circulated in Sittwe and vicinity, urging that Arakanese oppose the UN and international NGOs' delivery of any aid to Rohingya in the state. One pamphlet says that in providing aid to the Rohingya, the UN and international organizations have "watered poisonous plants." Regarding UN agencies, it says, "We have to attack them."[277]

The threats against aid workers persisted long after the violence and have resulted in serious staffing problems, further hindering aid.[278] MSF reported in February that their "medical teams face continued threats and hostility" from local Arakanese populations, preventing the delivery of emergency medical care to displaced Rohingya.[279]

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[276] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 8.

[277] The undated pamphlet is entitled, "Beware! NGOs that came here to assist Bengali Kalars," and is signed by a group identifying itself as Wuntharnu Ethnic People, an organization established after the violence began in June. Unofficial translation, June 2012.

[278] UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 8.

[279] "Humanitarian Emergency in Rakhine State, Myanmar: Greater Protection Needed for Vulnerable Communities and Threatened Staff," Medecins San Frontieres, press statement, February 7, 2013, http://www.msf.org/msf/articles/2013/02/myanmar-humanitarian-emergency-in-rakhine-state.cfm (accessed April 10, 2013).

Several local Arakanese activists and political leaders – from the RNDP and the Arakan League for Democracy (ALD) – acknowledged and shared the longstanding local resentment for aid agencies, and the reasons behind it, but dismissed the threats to physical security. They told Human Rights Watch that the UN and international NGOs would be welcome to provide assistance to Arakanese communities now and in the future.[280]

Several Arakanese told Human Rights Watch that they believed Rohingya staff members of humanitarian agencies were linked to al-Qaeda and other international extremist groups.[281] A prominent Buddhist monk in Sittwe told Human Rights Watch:

> We cannot trust the UN officers because they are al-Qaeda. The Muslim guy in UNHCR, the Muslim guys from MSF and ACF [Action Contre la Faim], the doctor [Dr. Tun Aung], and other Islamic men and women are all part of al-Qaeda. They contacted al-Qaeda members. That is real.[282]

A common view frequently expressed by Arakanese is that aid agencies have neglected their communities for decades and catered exclusively to the Rohingya population. This has led some Arakanese to call for blocking the delivery of aid to both Rohingya and Arakanese displaced persons. One pamphlet dated July 14, 2012 and delivered to aid agencies states:

> [H]ere in Arakan the UN agencies and INGOs have been completely neglecting us native Arakanese Buddhists who are fully eligible for international aid, and one-sidedly supported only the so-called Rohingyas who actually are illegal Bengali Muslims. The direct outcome of their discriminatory actions was that so many of us native Arakanese Buddhists were killed and their properties destroyed by the terrorist Bengali

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280 Human Rights Watch interviews with B.B., B.I., D.A., Sittwe, Arakan State, June 2012.

281 For example, a 29-year-old Arakanese journalist in Sittwe said: “After the conflict Dr. Tun Aung was hiding in the UNHCR office [in Maungdaw]. He is not UNHCR. His daughter Mya has a high-ranking UNHCR position. He has links to al-Qaeda. In Maungdaw he is one of the main leaders in command of the people. The government arrested him.” The journalist provided no evidence to support his wholly unfounded allegation of an al-Qaeda connection. Human Rights Watch interview with B.D., Sittwe, Arakan State, June 2012; see also Human Rights Watch interviews with B.C., B.D., C.Z., C.D., C.G., C.H., Sittwe, Arakan State, June 2012.

282 Human Rights Watch interview with C.D., Sittwe, Arakan State, June 2012.

> Muslims. ... Thus we Rakhine Buddhists will be totally refusing the ineffective small aids given by the UN and INGOs.[283]

A man expressed a common view in the Arakanese community in Sittwe: "There is an NGO in front of my house and they wrote on a sign, 'No discrimination,' and so on, claiming they do not discriminate, but in reality they only provide aid to Rohingya people."[284]

Many Arakanese consider it a problem that humanitarian groups have provided lifesaving aid to Rohingya. A senior monk in Sittwe who was active in obstructing aid convoys to displaced Rohingya told Human Rights Watch:

> I don't want to stop the cars that will go assist the Muslim community but in reality only 1 percent of the aid is going to the Arakanese and 99 percent is going to the Muslim community. The Muslim people get stronger day-by-day because the humanitarian agencies are providing assistance, which is why the problem is getting bigger.[285]

When asked to clarify, the monk confirmed his belief that humanitarian aid to Rohingya Muslims was a problem and should be stopped.[286]

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[283] Untitled pamphlet, July 14, 2012, provided to Human Rights Watch by the Arakan Project.

[284] Human Rights Watch interview with L.M., Sittwe, Arakan State, November 2012.

[285] Human Rights Watch interview with L.L., Sittwe, Arakan State, November 2012.

[286] Ibid.

Protests against the Organization for Islamic Cooperation (OIC)

In late September 2012, a large two-day public meeting of approximately 2,000 people from all 17 townships in Arakan State was held in Rathedaung. It resulted in a public statement that called for, among other things, opposition to "OIC intervention" and the planned establishment of an OIC office "anywhere in Arakan State." Opposition to the OIC reflects a larger, public effort by Arakanese to oppose humanitarian aid to the Rohingya by international aid agencies and organizations. This anti-OIC effort started as a concerted local campaign that then spread nationwide the following month.[287] In Arakanese villages, Human Rights Watch observed an abundance of "anti-OIC" materials, including t-shirts, pamphlets, and other written material, much of it in English.[288]

Following the September meeting, Arakanese supported by Buddhist monks organized public assemblies and street protests in Sittwe to oppose the presence of Rohingya in Arakan State and advocate against humanitarian aid for them. These protests proceeded without government interference. Protests in Sittwe on October 9 called for the government to expel Rohingya from the country, to deny the OIC entry into Burma, and to empty Aung Mingalar, the last remaining Muslim enclave in Sittwe.[289] A similar protest followed in Mandalay on October 12, involving an estimated 2,000 participants.[290] Other protests since June have opposed the presence of the UN and international aid agencies in Arakan State because they provide aid to the Rohingya.[291]

By November, the Arakanese opposition to the OIC's plans to establish an office in Burma and administer aid to the Rohingya reached a fever pitch. An influential local Arakanese man in Sittwe told Human Rights Watch:

> The OIC is not based on human rights but on the Islamic religion. In the past I didn't study anything about the Islamic religion, but now I know more. Now I am starting to know that the Islamic religion is a kind of terrorism. ... We believe the OIC is a kind of terrorism. The purpose or goal of the OIC is to cover the world with Islam through Islamization.[292]

A prominent monk in Sittwe told Human Rights Watch:

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[287] Human Rights Watch conducted interviews in Rangoon Region and Mandalay Region with Arakanese and Burmese who spoke of support for the campaign against the OIC opening an office in Burma, September-November 2012.

[288] These materials were observed in Sittwe and Mrauk-U townships, October and November 2012.

[289] See, e.g., "Monks Rally in Sittwe," Agence France Presse, October 10, 2012, http://www.dvb.no/news/monks-rally-in-sittwe-as-sectarian-tensions-intensify/24173 (accessed December 9, 2012).

[290] See, e.g., "Anti-OIC Protests Spread," *Radio Free Asia*, October 12, 2012, http://www.rfa.org/english/news/burma/mandalay-10122012170823.html (accessed December 9, 2012).

[291] See, e.g., "Anti-Myanmar Rally in Myanmar Over Rohingya Aid," Agence-France Presse, August 19, 2012, http://www.rnw.nl/english/bulletin/anti-un-rally-myanmar-over-rohingya-aid (accessed December 9, 2012).

[292] Human Rights Watch interview with L.M., Sittwe, Arakan State, November 2012.

> The reason we protest against the OIC opening an office here is because the OIC is not representing one county – it represents 57 countries. We also think a lot of the OIC countries are militant countries. They should take care of their own domestic terrorist movements first. In reality, if the OIC values humanitarian norms and standards, then they should have come here when the cyclone [Giri] happened [in October 2010]. Why would they like to get involved now? Only when they first deal with the terrorist groups inside their own countries, then they can come to assist.[293]

Many Arakanese in Arakan State still speak about when the Taliban destroyed ancient Buddhist statues in Bamiyan, Afghanistan, which led to widespread anti-Muslim violence in Burma in 2001.[294] Most Arakanese, however, were unaware that the OIC traveled to Afghanistan to try to prevent the Taliban's action.[295]

Notably, anti-OIC, anti-Rohingya protests in Sittwe received official permission from the state – which also requires state approval for any slogans uttered on the picket line – while those in Mandalay did not. Both protests occurred without incident or intervention from the authorities.[296]

The protests accomplished their goal. Immediately after the protests, President Thein Sein cancelled a signed agreement with the OIC that was to lead to the establishment of an official presence in Burma. An official from the president's office was quoted as saying, "The president will not allow an OIC office because it is not in accordance with the people's desires."[297]

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[293] Human Rights Watch interview with L.L., Sittwe, Arakan State, November 2012.

[294] For documentation of the anti-Muslim backlash in Burma following the Taliban's actions, see Human Rights Watch, *Crackdown on Muslims*, July 2002, http://www.hrw.org/legacy/backgrounder/asia/burmese_muslims.pdf (accessed April 10, 2013).

[295] "Giant Buddha Statues 'Blown Up,'" *BBC News*, March 11, 2001, http://news.bbc.co.uk/2/hi/south_asia/1214384.stm (accessed December 10, 2012).

[296] See "Anti-Myanmar Rally in Myanmar Over Rohingya Aid," Agence-France Presse, August 19, 2012, http://www.rnw.nl/english/bulletin/anti-un-rally-myanmar-over-rohingya-aid (accessed December 9, 2012). This was not the case for activists who recently protested in Rangoon on September 21, 2012 against the war in Kachin State – 13 of them now face jail time for allegedly violating the peaceful assembly law by protesting without permission. Similarly, villagers and monks in Monywa, Sagaing Region, recently protested a Burmese military and Chinese-operated copper mine in Monywa that resulted in a forcible crackdown by police, injuring up to 40 protesters, including many with severe burns. See "Burma: Peaceful Protesters Charged," Human Rights Watch, news release, October 1, 2012, http://www.hrw.org/news/2012/10/01/burma-peaceful-protest-organizers-charged (accessed March 15, 2013); "Burma: Drop Charges Against Peaceful Protesters," Human Rights Watch, news release, January 13, 2013, http://www.hrw.org/news/2013/01/13/burma-drop-charges-against-peaceful-protesters (accessed March 15, 2013); "Burma: Investigate Violent Crackdown on Mine Protesters," Human Rights Watch, news release, December 1, 2012, http://www.hrw.org/news/2012/12/01/burma-investigate-violent-crackdown-mine-protesters (accessed March 15, 2013).

[297] "Thein Sein prevents Islamic group from opening office in Burma," Agence France Presse, October 15, 2012, http://www.dvb.no/news/thein-sein-prevents-islamic-group-from-opening-office-in-burma/24274 (accessed December 9, 2012).

Human Rights Watch also documented small-scale corruption in the delivery of aid to unregistered IDP camps. This petty corruption raised concerns that the security forces might also be tampering with the aid itself.

During the week of October 22, when tens of thousands of Muslims were displaced in nine townships in Arakan State, several thousand fled to Sittwe in search of a safe haven. They arrived in droves with very few belongings, landing on desolate, treeless beaches. They soon encountered hostile police and Nasaka officers who restricted their movement and blocked assistance until local aid workers paid them bribes.

Rohingya in Sittwe Township told Human Rights Watch they had made payments to police to deliver food aid to otherwise isolated and displaced Rohingya. One makeshift coastal camp with an estimated 1,200 displaced Rohingya from Pauktaw lacked latrines, adequate shelter, and was subsisting primarily on donations from nearby Rohingya villages. A 38-year-old displaced Rohingya man who was delivering aid to the site told Human Rights Watch:

> I gave 50,000 Kyat [$60] to the troops for snacks and tea. It was on October 26 in Ohn Daw. We brought rice, cooked beef, and water, and in order to give them these things we have to approach the police with money. I handed over the food and money to the police but I couldn't watch what they did with it. I can only hope it gets delivered. There are no other groups giving food there yet. Yesterday we also had to give 40,000 kyat [$47] for pre-paid phone cards for the police.[298]

A Rohingya man, 30, originally from Pauktaw but living in a Rohingya village on the outskirts of Sittwe, said:

> The local community here wants to donate some things but they [Lon Thein] don't allow it. The [displaced] people have been there more than 10 days and they still have no steady source of food. We had to give 70,000 kyat [$83] to Lon Thein to bring them food on October 30. If we don't give the money we

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[298] Human Rights Watch interview with J.S., displacement site, Arakan State, October 2012.

> can't deliver the food. And the food can't be given directly. We have provided that same payment to them every day for seven consecutive days.[299]

In some cases, after payments were made to security forces, local aid workers were permitted to deliver food directly to newly arrived IDPs. A displaced person from Pautkaw said: "No one from the government has come here to see us. But the local people came and gave us food and other supplies. They are all Muslim, mostly Rohingya."[300]

Secondary and Tertiary Forced Displacement

The lack of sustained access to humanitarian aid in Arakan State puts internally displaced persons at greater risk of abuse after their initial displacement. The adverse humanitarian impacts of displacement, including psychosocial, economic, and health impacts, are typically compounded by multiple displacements. Humanitarian agencies in Arakan State have recognized and responded to situations of multiple displacements. In November, UNHCR recognized that aid shortfalls might contribute to instability for the population: "Provision of basic needs and services are urgently required in all affected locations to deter multiple displacements."[301]

Following the October attacks, government officials, including Arakan State ministers and Nasaka officials transferred Muslim IDPs from the areas to which they had first fled to a second displacement site. The reasons for the multiple displacements are unclear. In some cases, the authorities said they intended to transfer displaced Muslims from Sittwe to areas in northern Arakan State, a largely Muslim area without a continued presence of international relief organizations. The concern was that this was intended as a permanent shift of the state's population.

Several displaced Rohingya said the authorities told them they would have to go to Rathedaung or Maungdaw, two of the three predominantly Muslim townships in northern Arakan State.[302]

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[299] Human Rights Watch interview with S.O., displacement site, Arakan State, October 2012.

[300] Human Rights Watch interview with M.O., displacement site, Arakan State, November 2012.

[301] UNOCHA, *Humanitarian Bulletin: Myanmar, November 2012*, http://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Humanitarian%20Bulletin%20Issue%20November%202012.pdf (accessed April 10, 2013), p. 6.

[302] Northern Arakan State comprises Maungdaw, Rathedaung, and Buthidaung townships.

Beginning on October 23, Nasaka forces and government officials met displaced Rohingya from Pauktaw at sea and onshore when they approached Sittwe in small boats. The officials ordered the Rohingya to continue their journey to Rathedaung, a predominantly Muslim township several hours north of Sittwe. Finally they were allowed to temporarily come on shore – some groups had been at sea for several days. A 27-year-old fisherman from one such group said:

> After two days on the beach, the Arakan State minister [Hla Maung Thein] arrived. He said we couldn't stay and that we must go to Rathedaung. We replied that we didn't want to go to Rathedaung, we wanted to stay in Sittwe. When the minister left, the Nasaka took five people from our group and beat them terribly right in front of me. Later, we secretly came onshore. Two or three days later Lon Thein took the wood from our boats for firewood. I spent eight days living on the beach. We had no shelter.[303]

Human Rights Watch confirmed that some members of this group avoided transfer to Rathedaung by secretly traveling to the IDP camps in Sittwe. Others were transferred to Sin Ta Maw, a site of Rohingya displacement but not an official IDP camp.

Nine displaced Kaman Muslims from Kyauk Pyu faced similar difficulties. A flotilla of 21 boats were forced to spend one night at sea near Navy ships that provided them with water but prevented them from traveling onward to Sittwe, pending permission from a state minister. After a day and a half at sea, a number of boats went ahead without permission and made their way to Sittwe, where they encountered hostile Nasaka border guards. A Kaman Muslim man said:

> I carried people to shore with my [small engine] boat, from a larger boat. We did this three times to bring people ashore. But then the sunset was coming and we tried to bring the whole group of boats to shore. Nasaka fired warning shots in the air, and one bullet passed very close to us. My brother heard it go right past his head. So we turned our boat around and headed back to sea.[304]

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[303] Human Rights Watch interview with M.N., displacement site, Arakan State, November 2012.

[304] Human Rights Watch interview with L.S., displacement site, Arakan State, November 2012.

This flotilla spent another night at sea and then one representative from each boat went on shore to negotiate with Nasaka:

> We met with the Nasaka commander and army commander. The Nasaka commander said, “You cannot land at this village. You have to go to the Rathedaung area, to Kyauk Pan Du village,” a two-hour trip away. We replied that we couldn’t go there because we had old men and women and children.[305]

Despite the boats’ running very low on supplies, Nasaka forced them back out to sea. The next day, the western commander of the army and the Arakan State minister, Hla Maung Htin, arrived and reportedly allowed the group to come on shore “for two or three days,” but said the group would eventually have to travel on to Kyauk Pan Du village in Rathedaung Township.[306]

The following day, Nasaka ordered the group to return to their original village in Kyauk Pyu, even though it had been destroyed. The Kaman man said, “We thought that in Kyauk Pyu there would be no houses left and the flames would still be burning. We did not dare go back.”[307] The next day, the orders from the authorities changed yet again, and the authorities said they would instead have to go to Sin Ta Maw – several hours away by boat – in Pauktaw Township.[308] At that point, Nasaka brought in reinforcements and forced the group to travel to Sin Ta Maw. One Rohingya man said: “No one from Kyauk Pyu wants to go to Sin Ta Maw but Nasaka forced us to go. We heard they were planning to send us to Maungdaw from Sin Ta Maw. We heard that from a senior officer and state minister.” This man escaped the forced relocation and made his way to a nearby Rohingya village outside Sittwe.[309]

At the time of writing, some displaced Kaman remain in Sin Ta Maw, and due to a lack of access to aid, some have sought again to reach the camps outside Sittwe.

On November 31, Sittwe Police Battalion 12 attempted to forcibly move approximately 250 Rohingya displaced persons near the Ba Du Baw and Thaychaung IDP camps outside

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[305] Human Rights Watch interview with L.S., displacement site, Arakan State, November 2012.

[306] Ibid.

[307] Human Rights Watch interview with L.S., displacement site, Arakan State, November 2012.

[308] Human Rights Watch interview with L.S., displacement site, Arakan State, November 2012.

[309] Human Rights Watch interview with L.S., displacement site, Arakan State, November 2012.

Sittwe to a makeshift IDP site in Sin Ta Maw village in Pauktaw Township, where IDPs and media reports have reported a lack of basic provisions and aid.[310] Some of the Rohingya resisted and stayed behind. The next day they were beaten by police, including a woman who gave birth the day before. The police shot and injured eight people before departing and leaving the injured behind.[311]

Obstacles to Return

There is a deeply held concern among displaced Muslims in Arakan State that the Burmese government intends to make their relocation permanent, segregating Rohingya and other Muslims from the Buddhist population. This belief is based upon the participation of the Burmese security forces in the attacks on Muslim communities, the efforts of security forces to relocate fleeing Muslims to areas far beyond their long-time residences, the tight restrictions on movement and humanitarian assistance, and the unwillingness of the authorities to prosecute members of the security forces and others responsible for serious abuses against Muslims. All these considerations point to a government program of ethnic cleansing. In such a context, the hopes for a prompt return to their homes seem very much in doubt.

Remarks by the government in their dealings with the diplomatic community and humanitarian agencies heighten such concerns. According to diplomats and humanitarian officials, then Border Affairs Minister Thein Htay and other government officials asserted in meetings that the two communities would have to remain apart for a minimum of three years in order to let tensions calm, and suggested that a plan of long-term separation of the communities was justified for the economic development of Sittwe and Arakan State. According to OCHA, "In Sittwe, the Government estimates that a return may be obstructed due to the continued tension between communities, as well as because of a government-led town planning exercise which envisages the extension of the urban area towards the north-west."[312]

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310 Ibid.

311 Human Rights Watch interview with M.P., displacement site, Sittwe, Arakan State, December 2012; Email communication with international health workers in Sittwe, Arakan State, December 2, 2012.

312 UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, pp. 23-24.

The populations of Sittwe are at present completely segregated. The neighborhood of Aung Mingalar, the last remaining Muslim neighborhood in the capital, is surrounded by an Arakanese community hostile to its existence and soldiers whose role seems more designed to keep the Rohingya inside rather than provide protection.[313] Many of the neighborhood's residents are stuck in IDP camps outside town after having fled the city center during the June violence.[314] Downtown Sittwe, which previously was a bustling economic center inhabited by Buddhists, Muslims, and some Hindus, is now populated almost exclusively by Arakanese Buddhists.[315] While the forced relocations in Sittwe were presumably conducted to curtail the sectarian violence, the disparate treatment of the two populations since then amounts to unlawful discrimination against Rohingya.[316]

The government has constructed semi-permanent living structures in Ba Du Baw IDP camp, several kilometers outside Sittwe. The authorities have insisted to UN agencies and the diplomatic community that the camps were not envisioned as long-term "solutions." But the government has put forward no plan or taken any evident preliminary steps suggesting that a return to homes was being considered, let alone put into place. And no timeline for returns has been publicly or privately discussed with the displaced populations.

Obstacles to Tolerance

The government's failure to address the high levels of animosity and intolerance between the Arakanese and Rohingya populations – perhaps deliberately – complicates efforts to facilitate the return of displaced Muslims. Both Rohingya and Arakanese who spoke with us said that officials have not even broached the subject of reconciliation with displaced populations.

One notable exception was the "peacekeeping committee" formed in Kyauk Pyu after the June violence, which comprised Arakanese Buddhists and Kaman Muslims. However, even this local effort was unsuccessful in preventing violence against the Muslim community in October.[317]

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[313] See for example Hannah Hindtsrom, "Arakan Segregation Takes Toll on Local Communities," *Democratic Voice of Burma*, January 25, 2013. http://www.dvb.no/uncategorized/arakan-segregation-takes-toll-on-local-communities/26007 (accessed February 1, 2013).

[314] See Human Rights Watch, *The Government Could Have Stopped This*, pp. 34-35.

[315] Small numbers of ethnic Chin, who are predominantly Christian, also live in Sittwe and Arakan State.

[316] Ibid.

[317] Human Rights Watch interviews with displaced Kaman from Kyauk Pyu, interviews with S.M., J.K., J.L., J.O., J.P., K.L., K.R., L.S., L.J., displacement sites, Arakan State, November 2012.

Some government officials have asserted that the sectarian violence was a symptom of "underdevelopment" caused in part by insufficient international development assistance in Arakan State. Even if a contributing factor, it would not absolve the government of directly addressing existing intolerance particularly against the Muslim community.[318]

Opinion leaders in Burma have at times contributed to the poor situation, rather than helping to resolve it. Most notably, parliamentary opposition leader Aung San Suu Kyi and her National League for Democracy (NLD) party have failed to condemn the rights abuses taking place in Arakan State or press for accountability for those responsible.

Suu Kyi is especially well positioned to address the abuses against Muslims. Beyond her international status as a Nobel peace prize winner, she remains highly respected, especially among the majority ethnic Burman population. She could use her moral authority to catalyze a national discourse on discrimination and intolerance based on religion and ethnicity. Yet so far she has just expressed a desire "not to take sides," without offering much more.[319]

In the absence of any apparent government commitment to end the sectarian animosity and promote tolerance between the groups, displaced Muslims expressed apprehension about returning to their villages and possibly facing renewed attacks. Arakanese displaced from majority Muslim villages have not prepared to return home, either.

A displaced Rohingya, 56, from Tha Yet Oat village in Minbya Township told Human Rights Watch:

> The [government] authorities did not ask us any questions. The army came and asked us if we wanted to go back. We replied that if we are secure there and have food, we want to go back, but if we are not secure, we do not want to go back. We cannot go reap our paddy without security. The authorities did not say anything in response to that.[320]

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[318] See Kyaw Phyo Tha, "'Underdevelopment' Caused Arakan Violence, Govt Says," *The Irrawaddy*, December 9, 2012, http://www.irrawaddy.org/archives/20804 (accessed December 9, 2012).

[319] Anjana Pasricha, "Aung San Suu Kyi Explains Silence on Rohingyas," *Voice of America*, November 15, 2012, http://www.voanews.com/content/aung-san-suu-kyi-explains-silence-on-rohingyas/1546809.html (accessed February 1, 2013).

[320] Human Rights Watch interview with K.J., displacement site, Arakan State, November 2012.

Kaman Muslims, also told Human Rights Watch they had no hope of returning home. A displaced Kaman man, 39, said, "I have no hope that I can go back to Kyauk Pyu. I cannot say where I will settle later."[321]

A displaced Arakanese woman from Laung Krat village in Mrauk-U Township said, "If there are still Muslim people in the village then we don't want to go back."[322] Another Arakanese woman from Mrauk-U Township said, "There are only Muslim people there and so there's no security. That's why we have no hope of going back now."[323] Another displaced Arakanese woman, 68, from Yan Thei, said, "We don't want to go back home because we have no houses there now."[324]

And those Muslims that are still in their home villages expressed concern about their future safety. A Rohingya man, 30, from Yan Thei village in Mrauk-U Township told Human Rights Watch: "I don't think I will be able to continue living in this village. We are surrounded by Arakanese on all sides. If we want to go to another Rohingya village we have to cross Arakanese villages first. Now it's like we're living inside a jail."[325]

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[321] Human Rights Watch interview with J.S., displacement site, Arakan State, November 2012.

[322] Human Rights Watch interview with M.K., Mrauk-U Township, Arakan State, November 2012.

[323] Human Rights Watch interview with M.K., Mrauk-U Township, Arakan State, November 2012.

[324] Human Rights Watch interview with L.Q., Mrauk-U Township, Arakan State, November 2012.

[325] Human Rights Watch interview with J.Q., Mrauk-U Township, Arakan State, November 2012.

VII. Denial of Citizenship

The Burmese government has for many years rejected Rohingya Muslims as a recognized "national race" and effectively denied them the ability to obtain citizenship. This has facilitated human rights abuses against them, and poses a serious obstacle to achieving long-term solutions to the violence and abuse in Arakan State.

Citizenship

Human Rights Watch, UN agencies, and others have long recognized the denial of citizenship to Rohingya as a root cause of the violence in Arakan State.[326] At the core of the problem is Burma's discriminatory 1982 Citizenship Law.

While countries have the authority to determine their own criteria for conferring citizenship, this criteria must be in conformity with a country's international human rights obligations. Burma's 1982 Citizenship Law and its application have effectively prevented ethnic Rohingya from obtaining Burmese citizenship, resulting in an arbitrary deprivation of citizenship in contravention of international human rights standards.[327]

OCHA and other international agencies have offered to support the government to review the 1982 Citizenship Law to bring it in line with international standards, yet the government has not availed itself of these offers.[328]

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326 UNOCHA's *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p.27, Reflecting input from humanitarian actors working in Arakan State, notes "the longstanding problem of lack of any citizenship of around 800,000 people in Rakhine State," – the 800,000 being the Rohingya.

327 See Universal Declaration of Human Rights, art. 15(2) ("No one shall be arbitrarily deprived of his nationality"); International Convention on the Elimination of all Forms of Racial Discrimination, art. 5(d)(iii) (governments shall "undertake ... to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in ... the right to nationality"); International Covenant on Civil and Political Rights, art. 26 ("The law shall ... guarantee to all persons equal and effective protection against discrimination on any ground such as race,... ").

328 Regarding UN offers of assistance to the government of Burma to review the 1982 Citizenship Law, see UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 29.

The central government's response to the question of citizenship has recently involved a process of "citizenship scrutiny" led by the Ministry of Immigration in Pauktaw Township, where several thousand Rohingya IDPs are located. In December, a displaced Rohingya told Human Rights Watch: "The immigration department is taking the registration of the people, and on the paper where there is a space for nationality, they do not put Rohingya, they put Bengali."[329] News reports confirmed government officers were determining the lineage of the IDPs but registering their ethnicity as "Bengali" or "Bengali/Islam." When asked about the potential effect of this, a Burmese officer said, "We're collecting data, not making decisions on nationality."[330]

The UN and humanitarian organizations in Arakan State have identified risks associated with the government's response to the citizenship issue. The UN's November 2012 Rakhine Response Plan states:

> In early November 2012, community members living in Pauk Taw Township informed that Government officials had commenced a nationality verification exercise. Lack of clear communication to the community on the overall objective of the verification exercise, coupled with reports of intimidation faced by the communities, might increase tensions within the community, and trigger further inter-communal violence and displacement.[331]

Burma's 1982 Citizenship Law designates three categories of citizens: full citizens; associate citizens; and naturalized citizens. Color-coded Citizenship Scrutiny Cards are issued according to citizenship status – pink, blue, and green, respectively. Many Rohingya hold white cards, or "temporary registration cards," which come with no citizenship rights. These national identity cards contain ethnic and religious biographical details that facilitate discrimination by local officials against Muslims and other religious and ethnic minorities.[332]

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329 Human Rights Watch interview with M.P., displacement site, Arakan State, December 2012.

330 Todd Pitman, "AP Exclusive: Myanmar Verifying Muslim Citizenship," Associated Press, November 30, 2012, http://news.yahoo.com/ap-exclusive-myanmar-verifying-muslim-citizenship-072224996.html (accessed December 9, 2012).

331 UNOCHA, *Rakhine Response Plan*, http://reliefweb.int/sites/reliefweb.int/files/resources/Revised%20Rakhine%20Response%20Plan%20%28amended%29.pdf, p. 28.

332 The UN Committee on the Rights of the Child has recommended to the government of Burma: "In the field of the right to citizenship, the Committee is of the view that the State party should, in the light of articles 2 (non-discrimination) and 3 (best interests of the child), abolish the categorization of citizens, as well as the mention on the national identity card of the

By law, full citizens are persons who belong to recognized "national races" (the eight primary races are Arakanese, Burman, Chin, Kachin, Karen, Karenni, Mon, and Shan) or those whose ancestors settled in the country before 1823, when Britain became the colonial power in the country. Under the 1948 law, individuals who could not provide evidence that their ancestors settled in Burma before 1823 could still be eligible for citizenship. But under the 1982 law, associate citizenship was only available to those who met the qualifications and had already had applied for citizenship before the 1982 law went into effect, excluding most Rohingya.

Under the 1982 law, those considered to be foreign nationals can become naturalized citizens if they can provide "conclusive evidence" that they or their parents entered and resided in Burma prior to independence in 1948. Persons who have at least one parent who holds one of the three types of Burmese citizenship are also eligible to become naturalized citizens. Beyond these two qualifications, the 1982 act stipulates that a person seeking to become a naturalized citizen must be at least 18 years old, able to speak one of the national languages well (the Rohingya language is not recognized as such), and be of good character, and sound mind.[333] According to the terms of the law, only full and naturalized citizens are "entitled to enjoy the rights of a citizen under the law, with the

religion and the ethnic origin of citizens, including children. In the view of the Committee, all possibility of stigmatization and denial of the rights recognized by the Convention should be avoided." "Concluding observations of the Committee on the Rights of the Child: Myanmar," UN Committee on the Rights of the Child, January 24, 1997. CRC/C/15/Add.69, http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/1f80c17154438888025644b003cd574?Opendocument (accessed April 10, 2013); The committee similarly called for the law to be repealed in November 2008. See "Human rights situations that require the council's attention," UN General Assembly, A/HRC/10/19, March 11, 2009, http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.19.pdf (accessed April 10, 2013).

[333] Sections 42 to 44 of the 1982 Citizenship Law on the qualifications required for Burmese naturalized citizenship read:

> 42) Persons who have entered and resided in the State prior to 4th January, 1948, and their children born within the State may, if they have not yet applied under the Union Citizenship Act, 1948, apply for naturalized citizenship to the Central Body, furnishing conclusive evidence. 43) The following persons, born in or outside the State, from the date this Law comes into force, may also apply for naturalized citizenship: (a) persons born of parents one of whom is a citizen and the other a foreigner; (b) persons born of parents, one of whom is an associate citizen and the other a naturalized citizen; persons born of parents, one of whom is an associate citizen and the other a foreigner; (d) persons born of parents, both of whom are naturalized citizens; (e) persons born of parents, one of whom is a naturalized citizen and the other a foreigner. 44) An applicant for naturalized citizenship shall have the following qualifications: (a) be a person who conforms to the provisions of section 42 or section 43; (b) have completed the age of eighteen years; be able to speak well one of the national languages; (d) be of good character; (e) be of sound mind.

http://www.unhcr.org/refworld/docid/3ae6b4f71b.html (accessed April 10, 2013).

exception from time to time of the rights stipulated by the State." All forms of citizenship, "except a citizen by birth," may be revoked by the state.[334]

Most Rohingya lack formal documents, and even those who come from families that have lived in Burma for generations do not have any way of providing "conclusive evidence" of their lineage in Burma prior to 1948, let alone prior to 1823, denying them Burmese citizenship.[335] And although international law ensures non-citizens virtually all the rights of citizens, except for political rights such as voting, the Burmese government has long used the Rohingya's absence of citizenship to deny them their fundamental human rights. As the UN special rapporteur on human rights in Burma has stated, the 1982 Citizenship Law "contravenes generally accepted international norms to ensure that there is no State sanctioned discrimination on the basis of religion and ethnicity."[336]

The difficulty for Rohingya of providing "conclusive evidence" of their lineage increased in June 2012, when during the violence many Rohingya lost their documents in arson attacks or had them forcibly taken. Several Rohingya told Human Rights Watch that during the violence in June and October, local authorities or groups of Arakanese confiscated their ID cards. A Rohingya woman who survived an attack by a group of Arakanese said, "They [the attackers] brought a lot of cars and they were loading our belongings into the cars. They even took our IDs."[337]

A Rohingya woman who was displaced from Sittwe on June 10, and beaten severely over the head by an Arakanese man with an iron rod, told Human Rights Watch: "We kept all of our documents, my family list and my ... graduation certificate, in a bag. One [Arakanese] man came in and pointed his sword at me and said, 'Do you want to give me this or do you want to die?' I had to give him the bag."[338]

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334 "Burma Citizenship Law," Chapter II, Section 8(b), October 15, 1982, http://www.unhcr.org/refworld/docid/3ae6b4f71b.html (accessed April 8, 2013).

335 Ibid.

336 "Progress report of the Special Rapporteur on the situation of human rights in Myanmar," Tomas Ojea Quintana, A/HRC/13/48, March 10, 2010, http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.48_en.pdf (accessed April 10, 2013).

337 Human Rights Watch interview with Z.H., Sittwe, Arakan State, June 2012.

338 Human Rights Watch interview with K.K., displacement site, Arakan State, November 2012.

A Rohingya man, 42, said he feared authorities were forcibly relocating Rohingya outside Sittwe in a way that would create a paper trail identifying the displaced as "guests" in Burma. He said:

> A high-ranking immigration officer came today and said he wanted a list of people who are taking shelter. He said he wanted a list so we made a list. We were given a written form to fill out, and instead of referring to displaced people, the form referred to "guest people." We said, "We are not guests here." The immigration officer replied, "I cannot do anything, this is from the higher authority. I just have to follow orders."[339]

When it has suited the government's purposes, rights are granted to the Rohingya. For example, non-citizen Rohingya in Arakan State have at times in the past been given the right to vote. Rohingya were permitted to vote and form political parties in the 1990 elections, and those holding "temporary registration cards" could vote in the 2010 elections. The vast majority of Rohingya who are registered to vote are members of the ruling Union State and Development Party (USDP), giving the government a reason to permit their vote.

Under the 1982 law, the children born to non-citizens do not obtain citizenship, perpetuating the denial of citizenship to Rohingya over generations. In order for a child to attain Burmese citizenship, at least one parent must already hold one of the three types of Burmese citizenship. Rohingya, who rarely can provide the government "conclusive evidence" of their lineage or history of residence, have children who also are without citizenship. In March 2012, the UN special rapporteur on human rights in Burma reported that "tens of thousands of children remain unregistered" as a result of the citizenship law.[340]

In 1983, following the mass repatriation of Rohingya refugees from Bangladesh in 1978, the Burmese government completed a nationwide census in which the Rohingya were not counted, further rendering them stateless through exclusion, compounding the stringencies of the 1982 law.

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[339] Human Rights Watch interview with Z.I., Sittwe, Arakan State, June 2012.

[340] UN Human Rights Council, "Progress Report of the Special Rapporteur on the situation of human rights in Myanmar," Tomas Ojea Quintana, A/HRC/19/67, March 7, 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-67_en.pdf (accessed April 10, 2013).

As noted above, many Burmese – officials and the general public – describe the Rohingya as a "fabricated" or "invented" group.[341]

Nationality

While some Rohingya trace their lineage in Burma back centuries, many Muslims families in Arakan State migrated to and settled in Arakan during the British colonial period, which under the 1982 Citizenship Law directly excludes them from full citizenship. Rohingya whose families settled in the region during the colonial period would be eligible for less-than-full citizenship but are in effect excluded because of their inability to provide conclusive evidence of their lineage. Even those Rohingya whose families settled in the region before 1823 face the onerous burden of proving this to the satisfaction of the skeptical authorities, making it nearly impossible to secure Burmese citizenship.

Ethnic Arakanese interviewed by Human Rights Watch rejected the suggestion that the Rohingya should obtain citizenship as a distinct ethnic group. Many said the international community and, in particular, the international media are biased in favor of the Rohingya. U Hla Soe, the general secretary of the Arakanese-dominated political party RNDP, told Human Rights Watch:

> We think that pro-Rohingya Islamic radicals have penetrated the exiled media, so the voice of Rohingya becomes louder and louder. ... They are demanding to be an ethnic nationality, and this we don't accept. The citizenship issue is very delicate. We hope that exiled radical forces in the West will stop the instigation, because these Muslim people are ignorant people. It is very easy to stimulate and instigate them.[342]

An Arakanese journalist told Human Rights Watch:

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[341] Burmese officials and members of Burmese society regularly claim the Rohingya name is merely a political construct recently invoked to create an ethnic identity that does not exist. See also Human Rights Watch interviews with Arakanese, Sittwe, Arakan State, June-July 2012 and November 2012; *Al Jazeera*, "The Hidden Genocide," documentary film, December 9, 2012; U Shw Zan and Dr. Aye Chan, *Influx Viruses: The Illegal Muslims in Arakan* (New York: Arakanese of the United States, 2005).

[342] Human Rights Watch interview with U Hla Soe, Sittwe, Arakan State, June 2012.

> Many [international] journalists want to defend the Rohingya because they are losing, because they are the poorest people, the persecuted people. I don't blame them but they need to understand the whole picture. When only one side of the story is told, the Arakanese people are automatically regarded as cruel, and that is a problem.[343]

The "whole picture" he referred to is the fear among Arakanese of losing their cultural and ethnic identity to the Muslim population in Arakan State – it is an existential fear involving race, religion, and economics.

An Arakanese man in Mrauk-U Township said:

> It is very, very difficult to live with the Muslim people in Arakan State. ... They want to occupy the land. We were not living together before 1824. The British controlled the Arakanese land in 1824 and they brought the Bengali people to Arakan State to work the rice paddy fields. ... The Bengali people are always thinking to start a problem. Other countries and media will be interested about the Rohingya, and they know that.[344]

The National Census

The government of Burma and the United Nations Population Fund (UNFPA) has been working on a national census, scheduled for completion in 2014. While the census is not a response to the situation in Arakan State, it will factor heavily into development priorities and will ultimately shape the government's response to the political and economic situation in the state. Burma's last census in 1983 excluded the Rohingya.[345] There are concerns the Rohingya will again be excluded from the census: in July 2012, Burma's immigration minister, Khin Yi, announced the Rohingya would not be included in the new census.[346]

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[343] Human Rights Watch interview with B.D., Sittwe, Arakan State, June 2012.

[344] Human Rights Watch interview with L.N., Mrauk-U Township, November 2012.

[345] The last census was conducted in 1983 and widely viewed as having neglected certain segments of the population, particularly ethnic nationalities living in conflict areas.

[346] David Stout, "Minister Rejects Calls for International Investigation in Arakan," *Democratic Voice of Burma*, July 31, 2012, http://www.dvb.no/news/rohingya-not-to-be-included-in-census-minister/23097 (accessed February 2, 2013).

In August, Dr. Babatunde Osotimehin, the executive director of UNFPA, stressed the importance of following UN international standards for conducting the census and committed UNFPA to including all population groups in the count.[347] The UNFPA intends to establish an advisory committee comprising representatives from Burma's ethnic nationalities to address concerns with the process; teachers from ethnic groups will be recruited to conduct the census as "enumerators" in their communities.[348] It is unclear whether Rohingya educators in Arakan State will be hired to conduct an objective census and whether Rohingya representatives will be appointed to the advisory committee.

[347] "UNFPA Meets with Myanmar Leaders, including Aung San Suu Kyi, and Young People," United Nations Population Fund, August 27, 2012, http://www.unfpa.org/public/lang/en/home/news/pid/11575 (accessed February 2, 2013).

[348] See Ma Ning, "Census in Myanmar Not Optional: UN," The *Myanmar Times*, December 21, 2012, http://mmtimes.com/index.php/national-news/3620-census-in-myanmar-not-optional-un.html (accessed February 2, 2013).

VIII. Legal Standards: Crimes Against Humanity and Ethnic Cleansing

Crimes Against Humanity

Many of the serious abuses committed against the Rohingya and other Muslims in Arakan State since June 2012 amount to crimes against humanity.

According to the Rome Statute of the International Criminal Court (ICC), crimes against humanity are certain criminal acts, including murder, torture, and persecution "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."[349] International legal jurisprudence provides that the attack must be widespread or systematic, but need not be both.[350] "Widespread" refers to the scale of the acts or number of victims and a "systematic" attack indicates "a pattern or methodical plan."[351] The attack must also be part of a state or "organizational" policy.[352]

The "attack" does not necessarily need to be a military attack as defined under international humanitarian law, and "need not even involve military forces or armed hostilities, or any violent force at all."[353]

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349 Rome Statute of the International Criminal Court, 2187 U.N.T.S. 3, entered into force July 1, 2002, art. 7, http://www1.umn.edu/humanrts/instree/Rome_Statute_ICC/romestatute.html (accessed April 10, 2013).

350 Ibid., art. 7(1); *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, para. 646, http://www.icty.org/x/cases/tadic/tjug/en/tad-tsj70507JT2-e.pdf (accessed April 10, 2013).

351 See *Prosecutor v. Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgement (Trial Chamber I), September 2, 1998, para. 579. In *Akayesu* the Trial Chamber defined widespread as "massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims.", http://www1.umn.edu/humanrts/instree/ICTR/AKAYESU_ICTR-96-4/Judgment_ICTR-96-4-T.html (accessed April 10, 2013); See also *Prosecutor v. Kordic and Cerkez*, ICTY, Case No. IT-92-14/2, Judgement (Trial Chamber III), February 26, 2001, para. 179; *Prosecutor v. Kayishema and Ruzindana*, ICTR, Case No. ICTR-95-1-T, Judgement (Trial Chamber II), May 21, 1999, para. 123; *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, para. 648. See also *Prosecutor v. Kunarac, Kovac and Vokovic*, ICTY, Case No. IT-96-23 and IT-96-23-1A, Judgement (Appeals Chamber), June 12, 2002, para. 94. In *Kunarac* the Appeals Chamber stated that "patterns of crimes – that is the non-accidental repetition of similar criminal conduct on a regular basis – are a common expression of [a] systematic occurrence."

352 ICC Statute, art. 7(2)(a), http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm (accessed April 10, 20130).

353 Rodney Dixon in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden: Nomos Verlagsgesellschaft, 1999), p. 124.

Non-state organizations – such as the RNDP and the Buddhist *sangha* (order of monks) in Arakan State – can be responsible for crimes against humanity if they are demonstrated to have a sufficient degree of organization. In its leading ruling to date on this issue, the International Criminal Court's Pre-Trial Chamber stated that "the determination of whether a given group qualifies as an organization under the [ICC's Rome] Statute must be made on a case-by-case basis," taking "into account a number of considerations," including:

> (i) whether the group is under a responsible command, or has an established hierarchy; (ii) whether the group possesses, in fact, the means to carry out a widespread or systematic attack against a civilian population; (iii) whether the group exercises control over part of the territory of a State; (iv) whether the group has criminal activities against the civilian population as a primary purpose; (v) whether the group articulates, explicitly or implicitly, an intention to attack a civilian population; (vi) whether the group is part of a larger group, which fulfills some or all of the abovementioned criteria.[354]

The Pre-Trial Chamber emphasized that these factors "do not constitute a rigid legal definition, and do not need to be exhaustively fulfilled."[355]

Forced population transfers, forced deportation, and persecution are specific crimes against humanity set out by the Rome Statute and other international courts that are particularly relevant to the situation in Arakan State.

Deportation and Forced Population Transfers

The expulsions of Rohingya Muslims and Kaman Muslims from their neighborhoods and villages in Arakan State in June and October 2012, and their subsequent treatment, amount to a Burmese government policy of deportations and forced transfer of populations that appear aimed at permanently removing Rohingya and other Muslims from their current residences to other parts of Arakan State or outside of Burma altogether, thus changing the state's demographic nature. Widespread and systematic attacks by Arakanese, with the participation of state security forces in many instances, forcibly displaced over

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[354] *The Situation in the Republic of Kenya*, Pre-Trial Chamber II, International Criminal Court, March 31, 2010, Case No. ICC-01/09, para. 93, http://www.icc-cpi.int/iccdocs/doc/doc854287.pdf (accessed September 13, 2012).

[355] Ibid.

125,000 Muslims from their homes. At least another 20,000 others are known to have fled the country during that time. Underlying these crimes was an evident goal of the majority Buddhist population to drive out Muslim populations.

The authorities have compelled the displaced Rohingya and Kaman populations to live in squalid conditions for months without adequate food or other basic services, face severe restrictions on their movements that greatly hinder their ability to earn a livelihood, and endure abusive treatment from security forces. Rohingya children in these displaced persons camps have been effectively cut off from access to schools and education. Many Muslims in Arakan State have experienced multiple displacements, in at least one case resulting in deaths.[356] In areas damaged by violence throughout the state, municipal authorities have demolished structurally sound mosques, sending a clear anti-Muslim message. The Burmese government has restricted the delivery of humanitarian aid to the Rohingya, and in some areas continues to do so.[357] The government has also attempted to move displaced Rohingya and other Muslims to areas where there has long been a high Muslim concentration – in the north of the state – indicating intent to change the demographic profile of the state by segregating the two primary religious communities.

Deportation and forcible transfer of population are crimes against humanity under the Rome Statute of the International Criminal Court (ICC).[358] Burma is not a party to the ICC but the statute is considered to reflect customary international law.

Deportation and forcible transfer of population are distinguished by whether or not the victim was forced across an international border:

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[356] The authorities denied Rohingya IDPs assistance in making their way from a remote displacement site in Pauktaw Township to Sittwe, where they would have been able to come to shore on a jetty, and where they might find food, medical care, and other humanitarian aid. Instead, they attempted to reach Sittwe from another coastal area with large swells and no assistance from the navy. Human Rights Watch interviews with K.M., K.O., K.P., displacement site, February 4, 2013.

[357] Tens of thousands of displaced Rohingya in the officially recognized camps are not receiving adequate amounts of aid and in other areas the government is failing to facilitate aid deliveries through Arakanese communities hostile to the delivery of aid to Muslims. The government has also stalled in granting visas to aid workers and in granting travel authorizations. See chapter VI of this report on "Humanitarian Concerns."

[358] Rome Statute of the International Criminal Court (ICC), opened for signature July 17, 1998, reprinted in 37 I.L.M. 999 (1998), arts. 7(1)(d), 7(2)(d), http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm (accessed April 10, 2013). The Rome Statute entered into force on April 11, 2002 and the ICC has the authority to prosecute the most serious international crimes since July 1, 2002.

> Both deportation and forcible transfer relate to the involuntary and unlawful evacuation of individuals from the territory in which they reside. Yet, the two are not synonymous in customary international law. Deportation presumes transfer beyond State borders, whereas forcible transfer relates to displacements within a State.[359]

To be recognized as a crime against humanity under the requirements put forth by the ICC, the deportation also must be committed as "part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."[360] Deportation has also been recognized as a crime against humanity in each of the major international criminal instruments prior to the ICC.[361]

The crime of forcible transfer of populations includes "the full range of coercive pressures on people to flee their homes, including death threats, destruction of their homes, and other acts of persecution such as depriving members of a group of employment, denying them access to schools, and forcing them to wear a symbol of their religious identity."[362]

After June 2012, the RNDP and the Buddhist *sangha* in Arakan State both issued public statements and at times spoke to the media, explicitly calling for the isolation, departure and removal of Rohingya from Buddhist areas in the state.[363] Members of these organizations committed apparent incitement to violence and participated in attacks that were at least consistent with the expressed positions of their organizations.

Both organizations led efforts to organize the Arakanese community to end all interactions with the Rohingya, with the apparent intention to economically weaken and socially isolate,

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359 *Prosecutor v. Krstic*, (Trial Judgment) IT-98-33-T (2 August 2001), para. 521.

360 ICC Statute, art. 7(1), http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm (accessed April 10, 2013).

361 These included the Nuremberg Charter, the Tokyo Charter, the Allied Control Council Law No. 10, and the statutes of the international criminal tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). See Roy Lee (ed.), *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence* (Ardsley, NY: Transnational Publishers, 2001), p. 86; M. Cherif Bassiouni and Peter Manikas, *The Law of the International Criminal Tribunal for the Former Yugoslavia* (New York: Transnational Publishers, 1996), pp. 627-38 (arguing that the crime of "deportation" under the Nuremberg Charter included "all unjustified transfers [including] internal displacement.").

362 Christopher K. Hall in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden: Nomos Verlagsgesellschaft, 1999), p. 162.

363 See, e.g., "Burmese Monks Who Preach Intolerance Against Muslim Rohingyas," *BBC News*, November 21, 2012, http://www.bbc.co.uk/news/world-asia-20427889 (accessed February 4, 2013).

and eventually drive out the Muslim population of certain areas – by denying them food and other basic services, access to income generating activities, and restricting their ability to move or interact beyond the strict confines of their neighborhoods or IDP camps. Members from both organizations were involved in activities that led to violence that caused population transfers of the Rohingya. State security forces and local government officials indirectly supported these groups in their efforts, including by not acting on advance knowledge of likely violence and failing to intervene to stop or counteract them.

State security forces also participated directly in the forced transfer of populations by committing violent acts such as killings – in some cases, killings of children – and beatings.[364] In June, attacks against the Rohingya Muslim population by state security forces occurred primarily in the state capital, Sittwe, and northern Arakan State. An immediate result was the clearing out of the Muslim population in all areas of Sittwe with the exception of one neighborhood, Aung Mingalar.[365] In October, groups of Arakanese acted alongside local state security forces such the Nasaka, army, and police. In other cases the security forces simply failed to intervene. In at least Kyauk Pyu and Pauktaw, local government officials and members of RNDP were directly involved in meetings prior to the commission of violent acts during which decisions are known to have been made to coerce Muslims to flee.

During the June violence, the security forces began abusive sweeps and mass arrests of hundreds of Rohingya men and boys. The seeming randomness of these arrests, incommunicado detention, and reports of torture and ill-treatment in detention have combined to instill widespread fear in Muslim neighborhoods and villages.[366]

The requisite elements of the crime against humanity of deportation or forcible transfer consist of coercing movement to another location of people lawfully in the area with the intent of permanently relocating them.[367]

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[364] For more information on specific cases, see the section on "Killings" in chapter II of this report.

[365] UNOCHA reported in July 2012 that an inter-agency rapid needs assessment covered 104,719 IDPs located in 114 locations in four townships. UN Office for the Coordination of Humanitarian Affairs, *Myanmar: Displacement in Rakhine State, Situation Report No. 5*, July 19, 2012, http://www.searo.who.int/entity/emergencies/crises/MMR_OCHA_5_Rakhine.pdf (accessed April 11, 2013).

[366] Human Rights Watch interviews with J.N., K.Q., and confidential communications with a Rohingya prisoner, November 2012. The UN Special Rapporteur on Human Rights in Burma, Tomas Quintana, visited Rohingya prisoners in 2012 and documented their torture and ill-treatment.

[367] See *The Prosecutor v. Milomir Stakić*, Case No. IT-97-24-T, ICTY, Appeals Chamber, Judgment, paras. 686-87.

First, the actions by the RNDP and *sangha* in Arakan State, with the direct or indirect support of the government have caused over 125,000 Rohingya Muslims and others "to another location, by expulsion or other coercive acts."[368]

Second, the persons expelled from their neighborhoods and townships in Arakan State – Rohingya and Kaman Muslims – "were lawfully present in the area from which they were deported or transferred."[369] Any claim by the authorities that the displaced families, many who have lived in their townships and neighborhoods for generations, were not lawfully permitted in their homes because they are "illegal immigrants," ignores the discriminatory treatment of Rohingya under the citizenship law and other legislation and practice.[370] The Kaman Muslims are Burmese citizens so there is no issue as to the lawfulness of their presence.

Finally, the intent to expel the Rohingya from their neighborhoods and villages by the RNDP and *sangha* is evident from the public statements calling for such action. Evidence of government intent can be found in both the actions and inaction of state security forces, combined with the longtime discriminatory state practices against the Rohingya, such as restrictions on freedom of movement, marriage, childbirth, education, and employment.

For decades the Burmese government has made conditions extremely difficult for the Rohingya through severe restrictions and human rights violations. As a result, tens of thousands have been compelled to move from their homes or flee the country. This longstanding situation, exacerbated by events since June 2012, amounts to a Burmese government policy of deportation and forcible transfer. UN bodies for at least two decades have consistently acknowledged deportation of Rohingya from Arakan State, and the abuses that contribute to it. Successive UN special rapporteurs have often identified these abuses in terms explicitly suggesting the commission of international crimes, such as "widespread," "systematic," and as a result of "state policy."[371] The current UN special rapporteur on human rights in Burma, Tomas Quintana, reported in 2010:

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[368] R. Lee, *The International Criminal Court*, p. 86 (defining the relevant elements of the crime of deportation).

[369] Ibid.

[370] See Irish Center for Human Rights, *Crimes Against Humanity in Western Burma: The Situation of the Rohingyas*, http://www.nuigalway.ie/human_rights/documents/ichr_rohingya_report_2010.pdf (accessed April 10, 2013), p. 109.

[371] See reports by UN special rapporteurs on human rights in Burma in footnote #400.

> Discrimination [against the Rohingya] leads to forced deportation and restriction of movement owing to the enduring condition of statelessness, which is the result of the Rohingyas' historic difficulty in obtaining citizenship, particularly following the enactment of the 1982 Citizenship Act. Acts of land confiscation, forced relocation and eviction through violent means also appear to be widespread and systematic. Finally, discrimination leads to persecution, which can be defined as intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.[372]

Persecution

Persecution is recognized as among the offenses considered to be crimes against humanity.[373] The ICC statute defines persecution as "the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity."[374] The crime of persecution consists of an act or omission that 1) entails actual discrimination and denies a fundamental human right, and 2) was carried out deliberately with the intention of discriminating on one of the recognized grounds.[375] These include for political, national, ethnic, and religious reasons.[376] Persecutory acts have been found to include murder, sexual assault, beatings, destruction of livelihood, and deportation and forced transfer, among others.[377]

Both acts of violence and other apparently discriminatory actions – such as the majority Buddhist community depriving Rohingya of access to their livelihoods or to food to force them to leave – might be considered acts of persecution that amount to crimes against humanity.

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[372] UN General Assembly, "Situation of human rights in Myanmar," A/65/368, September 15, 2010, http://www.unhcr.org/refworld/country,,UNGA,,MMR,,4cbbe7f22,0.html (accessed April 10, 2013), pp. 16-17.

[373] See ICC Statute, art. 7(1)(h), http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm (accessed April 10, 2013); *Nadhimana, Barayagwiza and Ngeze,* ICTR Appeals Chamber, November 28, 2007, para. 985;

[374] ICC Statute, art. 7(2)(g), http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm (accessed April 10, 2013).

[375] *Prosecutor v. Krnojelac,* ICTY judgment, IT-97-25T, March 15, 2002, sec. 431.

[376] ICC statute, art. 7(1)(h), http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm (accessed April 10, 2013).

[377] See Antonio Cassese, ed. *The Oxford Companion to International Criminal Justice,* (Oxforcd: Oxford University Press, 2009) p. 454.

"Ethnic Cleansing"

Human Rights Watch has documented a pattern of human rights violations in Arakan State that amount to "ethnic cleansing" of the Rohingya and other Muslims from their areas of residence. Although "ethnic cleansing" is not formally defined under international law, a UN Commission of Experts has defined the term as a "purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas. . . . This purpose appears to be the occupation of territory to the exclusion of the purged group or groups."[378]

Commenting on the situation in the former Yugoslavia in the early 1990s, the Commission of Experts stated:

> [T]he patterns of conduct, the manner in which these acts were carried out, the length of time over which they took place and the areas in which they occurred combine to reveal a purpose, systematicity, and some planning and coordination from higher authorities. Furthermore, these practices are carried out by persons from all segments of the Serbian population in the areas described: members of the army, militias, special forces, the police and civilians. Lastly, the Commission notes that these unlawful acts are often heralded by the perpetrators as positive, patriotic accomplishments.[379]

The UN Committee on the Elimination of Racial Discrimination found that attempts to alter permanently the ethnic make-up of a region are contrary to international law: it noted that "any attempt to change or uphold a changed demographic composition of an area, against the will of the original inhabitants, by whichever means, is a violation of international law."[380] The United Nations has also repeatedly characterized the practice of ethnic cleansing during an armed conflict as a violation of international humanitarian law, and has demanded that perpetrators of ethnic cleansing be brought to justice.[381]

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[378] Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), 27 May 1994, http://www.his.com/~twarrick/commxyu4.htm#par129 (accessed April 10, 2013).

[379] Ibid.

[380] UN Committee on the Elimination of Racial Discrimination, Decision 2 (47) of August 17, 1995, on the situation in Bosnia and Herzegovina, U.N. Doc. A/50/18/1995, http://www.un.org/documents/ga/docs/50/plenary/a50-18.htm (accessed April 10, 2013), para. 26.

[381] See Security Council resolution 771 (1992), http://www1.umn.edu/humanrts/peace/docs/scres771.html (accessed April 10, 2013); Security Council resolution 780 (1992), http://www1.umn.edu/humanrts/peace/docs/scres780.html (accessed

As discussed above, the orchestrated violence in Arakan State, particularly in October, involved near simultaneous attacks by Arakanese against Rohingya villages and settlements. The violence, largely carried out by mobs armed with a variety of weapons, appeared organized and inspired by higher entities, including the RNDP and the *sangha.* State security forces stood by and watched or participated in the killing, and later disposed of the bodies in a manner that hindered rather than helped investigations.

Perhaps most indicative of all, ethnic cleansing was reflected in the terror tactics of the Arakanese attackers. According to survivors, the mobs relentlessly killed all those they could catch. They hacked children to death with machetes and threw some into fires. Muslim neighborhoods and entire villages were burned to the ground. State security forces deprived the outnumbered Muslims of their weapons in anticipation of the slaughter. And when the slaughter happened, they dumped the Rohingya bodies in areas inhabited by Rohingya displaced persons – no doubt to send a message of terror.

Right to Return Home

International law provides a remedy for persons victim to the crime against humanity of deportation and forced and arbitrary transfer. They are entitled to return to their home areas and property.[382] This right is related to the right to return to one's home country – the Universal Declaration of Human Rights provides that, "Everyone has the right … to return to his country."[383] Some international human rights instruments recognize this right.[384] Although there is no specific provision in international covenants affirming the right of

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April 10, 2013); Security Council resolution 808 (1993), http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/098/21/IMG/N9309821.pdf?OpenElement (accessed April 10, 2013); Security Council resolution 941 (1994), http://www.unhcr.org/refworld/country,,,RESOLUTION,BIH,,3b00f15b40,0.html (accessed April 10, 2013); U.N. General Assembly resolution 46/242, http://www.un.org/documents/ga/res/46/a46r242.htm (accessed April 10, 2013); and U.N. General Assembly resolution 47/80, http://www.un.org/documents/ga/res/47/a47r080.htm (accessed April 10, 2013).

382 The right to return has been recognized by some experts as a norm of customary international law. See "Current Trends in the Right to Leave and Return," U.N. Doc. E/CN.4/Sub.2/1985 (emphasizing that the right to return is part of the whole body of human rights, and stating that the "concordance of State practice and common opinion juris, [the right to return] created a legal obligation according to customary international law."), http://www1.umn.edu/humanrts/Amensty%20Laws_Joinet.pdf (accessed April 10, 2013).

383 Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), art. 13(2), http://www1.umn.edu/humanrts/instree/b1udhr.htm (accessed April 10, 2013).

384 See, e.g., International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), which guarantees "the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:… the right to "leave any country, including one's own, and to return to one's country." ICERD, 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969, art. 5 (d)(ii), http://www1.umn.edu/humanrts/instree/d1cerd.htm (accessed April 10, 2013).

internally displaced persons to return to their places of origin, that right would be protected by the "right to freedom of movement and residence" within the borders of a country.[385]

The Sub-Commission on the Promotion and Protection of Human Rights, which operated under the former UN Human Rights Commission, reaffirmed "the right of all refugees and internally displaced persons to return to their homes and places of habitual residence in their country and/or place of origin, should they so wish."[386] The UN Security Council and other UN bodies have also repeatedly asserted the right of internally displaced persons to return to their former homes. The Security Council, in its Resolution 820 (1993) dealing with Bosnia and Herzegovina, stated "all displaced persons have the right to return in peace to their former homes and should be assisted to do so."[387]

Also applicable to the situation in Arakan State are the UN Guiding Principles on Displacement,[388] which are drawn from accepted principles of international law.[389] The Guiding Principles set out provisions relating to return, resettlement and reintegration of Internally Displaced Persons.[390] Principle 28 states:

> Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the

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[385] Universal Declaration of Human Rights, art. 13(1), http://www1.umn.edu/humanrts/instree/b1udhr.htm (accessed April 10, 2013).

[386] See Sub-Commission on the Promotion and Protection of Human Rights, "Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons," Resolution 1998/26, http://www.unhcr.org/refworld/topic,4565c2253e,4565c25f49d,3dda64517,0,UNSUBCOM,,.html (accessed April 10, 2013). The Sub-Commission was under the UN Human Rights Council, which was dissolved in 2006.

[387] UN Security Council, Resolution 820, S/Res/820, April 17, 1993, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/820(1993) (accessed April 10, 2013). Similar language by the Security Council affirming this right to return can be found in resolutions addressing the conflicts in Abkhazia and the Republic of Georgia, Azerbaijan, Bosnia and Herzegovina, Cambodia, Croatia, Cyprus, Kosovo, Kuwait, Namibia, and Tajikistan.

[388] Guiding Principles on Internal Displacement ("Guiding Principles"), U.N. Doc. E/CN.4/1998/53/Add.2 (1998), noted in Comm. Hum. Rts. res. 1998/50, http://www1.umn.edu/humanrts/instree/GuidingPrinciplesonInternalDisplacement.htm (accessed April 10, 2013).

[389] Ibid., The introductory note to the General Principles state: "The Principles reflect and are consistent with international human rights law and international humanitarian law." para. 9.

[390] Ibid., section V.

country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.[391]

This principle further provides that special efforts should be made to ensure the full participation of all internally displaced persons in the planning and management of such processes. The participation of women, in particular, is considered essential.

Right to Redress

International law provides for victims of human rights violations to receive adequate compensation. The Universal Declaration of Human Rights provides that, "Everyone has the right to an effective remedy by the competent national tribunals" for acts violating fundamental rights.[392]

The UN Committee on the Elimination of Racial Discrimination (CERD), in its General Recommendation XXII, says compensation should be provided for those refugees and displaced who are able to return and have lost property:

> All refugees and displaced persons have, after their return to their homes of origin, the right to have restored to them property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them.[393]

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[391] The UN Guiding Principles on Internal Displacement are not legally binding but provide an authoritative normative framework for the protection of internally displaced persons. The Guiding Principles are a firm reinstatement of existing international human rights, refugee, and humanitarian law as it relates to the internally displaced. They draw heavily on existing standards and provide additional guidance and explanation when there are gaps. They are intended to provide practical guidance to governments, other competent authorities, the UN and other intergovernmental agencies and NGOs in their work with internally displaced persons.

[392] Universal Declaration of Human Rights, art. 8, http://www1.umn.edu/humanrts/instree/b1udhr.htm (accessed April 10, 2013); see also, International Covenant on Civil and Political Rights,
G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976. art. 3(a) (states undertake to "ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.") Burma is not a party to the covenant, http://www1.umn.edu/humanrts/instree/b3ccpr.htm (accessed April 10, 2013).

[393] Committee on the Elimination of Racial Discrimination, General Recommendation XXII: Article 5, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx (accessed April 10, 2013); and refugees and displaced persons, adopted at the 49th session, August 24, 1996, U.N. Doc. A/51/18, http://www.unhchr.ch/tbs/doc.nsf/0/76ebd2611b2261d2c12563e90058d7d7/$FILE/N9625738.pdf (accessed April 10, 2013).

When displaced persons are unable to return to their homes because their property has been destroyed, they are entitled to compensation. The UN Commission on Human Rights recognized the need for property restitution as an effective remedy for forced displacement.[394]

The Guiding Principles provide that:

> Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.[395]

The right to return needs to be conducted in a manner that does not further violate human rights. The UN Sub-Commission on the Promotion and Protection of Human Rights, under the UN Commission on Human Rights, urged "all states to ensure the free and fair exercise of the right to return to one's home and place of habitual residence by all refugees and internally displaced persons and to develop effective and expeditious legal and administrative procedures to ensure the free and fair exercise of this right, including fair and effective mechanisms to resolve outstanding housing and property problems."[396]
As noted, the Rohingya's lack of citizenship has resulted in their being denied fundamental rights, such as restrictions on land and property ownership. Addressing the discriminatory provisions in the 1982 Citizenship Law that effectively deny Rohingya citizenship is crucial for ensuring Rohingya receive adequate compensations for violations of their rights.

Moreover, any attempt to redress past abuses and to repossess private property should be free of violence, intimidation, and threats. The potential for hostility against Rohingya and

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394 See, e.g., Commission on Human Rights resolutions 2000/41 and 1999/33 (recognizing the "right to [property] restitution for victims of grave violations of human rights."), http://www.unhchr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.RES.2000.41.En?Opendocument (accessed April 10, 2013).

395 UN Guiding Principles, principle 29(2), http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e (accessed April 10, 2013).

396 Sub-Commission on the Promotion and Protection of Human Rights, Resolution 1998/26, August 26, 1998, http://www.unhchr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.Sub.2.RES.1998.26.En?Opendocument (accessed April 10, 2013).

Kaman Muslims from local Arakanese, Buddhist monks, political party activists, state security forces, and government officials remains high, and could complicate returns unless the authorities take proactive measures. [397] In order to prevent renewed violence and state-sanctioned abuse against the Rohingya, any program to implement the right to return of the displaced communities should ensure that persons who have their claims legally recognized can actually return to their homes in safety.[398]

Moreover, the government of Burma is obligated to ensure that those who may not have lawful or other rights to dwell within the housing or property registered to returnees do not become homeless or subject to other human rights violations. According to the UN Committee on Economic, Social and Cultural Rights:

> Evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive lands, as the case may be, is available.[399]

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[397] For instance, efforts to recreate multi-ethnic communities in the Balkans after years of forced displacement, severe human rights abuses, and violence between ethnic communities made it nearly impossible for minorities to live peacefully among hostile majorities, even when their legal claims have been recognized. See, e.g., Human Rights Watch, "Unfinished Business: Return of Displaced Persons and other Human Rights Issues in Bijeljina," vol. 12, no. 7(D), May 2000, http://www.unhcr.org/refworld/country,,HRW,,BIH,,3ae6a87b0,0.html (accessed April 10, 2013); Human Rights Watch, "Second Class Citizens: The Serbs of Croatia," vol. 11, no. 3(D), March 1999, http://www.unhcr.org/refworld/country,,HRW,COUNTRYREP,HRV,,3ae6a7df4,0.html (accessed April 10, 2013); Human Rights Watch, "Broken Promises: Impediments to Refugee Return in Croatia," vol. 15, No. 6(D), September 2003, http://www.hrw.org/reports/2003/09/02/broken-promises.

[398] See Human Rights Watch, *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq*, August 3, 2004, http://www.hrw.org/reports/2004/08/02/claims-conflict.

[399] UN Committee on Economic, Social and Cultural Rights, General Comment 7 on Forced Evictions, (1997), http://www.unhchr.ch/tbs/doc.nsf/ (accessed December 10, 2012), para. 16.

IX. Recommendations

To the Government of Burma

Justice and Accountability

- Fully, promptly, and impartially investigate those responsible for serious abuses in connection with the sectarian violence in Arakan State and prosecute them fairly to the fullest extent of the law, regardless of rank or position.
- Agree to the establishment of an independent international mechanism to investigate serious violations of international human rights law, including possible crimes against humanity, committed by security forces and non-state actors in Arakan State.
- Provide unfettered access to Arakan State for the United Nations special rapporteur on human rights in Burma, and for representatives of the UN Office of the High Commissioner for Human Rights (OHCHR).
- Authorize and facilitate establishment of an OHCHR office in Burma with a mandate for rights protection, promotion, and technical assistance; and permit OHCHR to set up branch offices as needed elsewhere in the country, including in Arakan State.
- Invite the UN special rapporteur on freedom of religion and belief to visit and report on the situation in Arakan State.
- Publicly release the findings of the presidential commission tasked with investigating the situation in Arakan State that were already submitted to the government, and any future findings of the commission.
- Immediately make public information about the fate of all the hundreds of Rohingya and Arakanese detained since the security operations began in June 2012 in Arakan State. Ensure that anyone in detention has access to legal counsel of their choosing and to family members; detainees that have not been charged with a criminal offense should be released.
- Release Dr. Tun Aung and other political prisoners arrested in Arakan State since June 2012.
- Amend the legislation creating the Myanmar National Human Rights Commission to ensure its independence and other requirements of the Paris Principles on national human rights commissions.

- Ratify the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.
- Ratify the 1951 Convention relating to the Status of Statelessness and the 1961 Convention on the Reduction of Statelessness.
- Ratify the Rome Statute of the International Criminal Court.

Humanitarian Aid and Access

- Provide safe and unhindered humanitarian access for UN agencies and international and national humanitarian organizations to all affected populations in Arakan State.
- Allow unhindered access for humanitarian organizations to all detention facilities in Arakan State holding persons in connection with the sectarian violence.

Prevention of Human Rights Violations

- Revise legislation as necessary and ensure state practice upholds the equal rights of Rohingya and other Muslims in Burma in accordance with international human rights law.
- Immediately order government security forces, including Nasaka, police, and army, to stop mass arrests of Rohingya or other group on account of their ethnic, religious or other status.
- Undertake an independent expert review of the border guard force, Nasaka, to reorganize it as necessary to end abusive practices.
- Ensure that law enforcement officials do not use excessive or unnecessary force, and operate in accordance with the UN Basic Principles on the Use of Force and Firearms.
- Rescind provisions of the state of emergency in Arakan State that permit for arrests without necessary due process safeguards.
- Launch a public information campaign promoting tolerance and non-discrimination.
- Develop a long-term plan in consultation with affected communities to end discrimination and promote tolerance in Arakan State.
- Ensure high-level national government officials make clear public statements endorsing non-discrimination and the right of all individuals in Arakan State to equal protection of the law.

Treatment of Internally Displaced Persons

- Treat all internally displaced persons (IDPs) in accordance with the UN Guiding Principles on Internal Displacement.
- Immediately lift all unnecessary restrictions on freedom of movement of the Rohingya population, and ensure they are able to pursue livelihoods, purchase essentials and return to their homes and recover property, providing protection as needed. Make available alternative locations to accommodate IDPs and refugees who do not wish to return to their places of origin and instead relocate to other areas or remain in areas in the vicinity of their displacement.
- Ensure that returns of displaced persons and refugees take place in accordance with international standards, on a voluntary basis with attention to the safety and dignity of the returning population.
- Initiate and sustain reconciliation programs with local communities to promote and facilitate the voluntary return and reintegration of refugees and IDPs.

Citizenship

- Urgently amend the 1982 Citizenship Law to eliminate provisions that are discriminatory or have a discriminatory impact on determining citizenship for reasons of ethnicity, race, religion or other protected status. Ensure that the amended law is enforced to provide citizenship without discrimination.
- Revise the Citizenship Act in accordance with article 7 of the Convention on the Rights of the Child to ensure that Rohingya children have the right to acquire a nationality where otherwise they would be stateless.
- Cease including ethnic and religious biographical details on national identity cards, as a matter of anti-discrimination practice and policy

National Census

- Ensure that the national census currently underway, directed by the Ministry of Immigration and Population and supported by the UN Population Fund, fully complies with international standards, is non-discriminatory, and covers all populations in Burma, including Rohingya.
- Ensure that Rohingya are employed to conduct the census in Rohingya areas and communities in Arakan State.

To the Neighboring States of Thailand, Malaysia, and Bangladesh

- Immediately open borders to Rohingya asylum seekers and provide them with at least temporary protection. Order naval security forces to cease pushbacks of boats of asylum seekers fleeing Burma and inform coastal villages to do the same.
- Provide unfettered access for UNHCR and other humanitarian agencies to provide assistance to fleeing Rohingya asylum seekers and ensure that they have adequate food, shelter, and protection.
- Allow UNHCR access to register and assist arriving Rohingya, and to conduct refugee status determination screening for those seeking asylum, including all those designated by the UNHCR as in "a refugee-like situation" but whose status has not yet been verified.
- Coordinate and agree upon search and rescue procedures so that the immediate humanitarian needs of asylum seekers and migrants are met and responsibility is shared.
- Permit officially recognized Rohingya refugees in the Bangladesh-based Nayapara and Kutupalong camps to take up offers of third-country resettlement without hindrance.
- Allow unregistered and undocumented Rohingya from Arakan State living in Bangladesh to lodge refugee claims.
- Provide domestic and international media, nongovernmental organizations, and foreign diplomats unfettered access to the areas where Rohingya fleeing Burma are arriving.
- Press the Burmese government to end human rights violations and discriminatory policies, including with respect to citizenship, against the Rohingya and other vulnerable minorities, making clear that such actions will harm Burma's bilateral relationships and international standing.
- Use the Bali Process to forge a regional consensus to protect the rights of Rohingya fleeing by boat, and press ASEAN to adopt that consensus.

To Concerned Governments, including Australia, Canada, Japan, US, and EU Member States:

- Press the Burmese government to allow the UN special rapporteur on Burma to conduct an independent investigation into abuses in Arakan State; express

support for an OHCHR office in Burma with a full protection, promotion, and technical assistance mandate, and sub-offices in states around the country, including in Arakan State. Provide sufficient resources to allow the special rapporteur on Burma and OHCHR to be able to carry out these activities.

- Call on the Burmese government to permit diplomatic missions in Burma to travel to affected areas, including displaced person sites.
- Provide financial and technical support to UN agencies and humanitarian organizations providing assistance in Arakan State and for refugees and asylum seekers in Bangladesh; publicly promote unfettered access for humanitarian agencies and the delivery of humanitarian assistance to all populations in need.
- Publicly press Burmese authorities to end discrimination and violence against Rohingya and other vulnerable minorities, making clear that such actions will harm Burma's bilateral relationships and international standing.
- Support reconciliation efforts between the Arakan and Rohingya populations in Arakan State, and publicly press the Burmese government to reform the discriminatory 1982 Citizenship Law and bring it into line with international standards.

To United Nations Agencies and the Donor Community:

- Provide sufficient resources and other support (including OHCHR staff support) to enable the UN special rapporteur on Burma to conduct a full investigation into abuses in Arakan State.
- Ensure that humanitarian aid is delivered impartially to all populations in need in Arakan State, including those not displaced; raise concerns publicly when humanitarian access to communities in need is blocked.
- Urge the Burmese government to permit the resumption of assistance programs in northern Arakan State that were suspended in June 2012.
- Ensure that any assessments of the humanitarian situation in Arakan State include not only the communities affected by sectarian violence but also those affected by abusive security force sweeps since June 2012.
- Ensure that the national census, currently underway and supported by the United Nations Population Fund, meets international standards, is non-discriminatory, and covers all populations in Burma, including Rohingya.

- Provide support for the national census only on the basis that Rohingya representatives are appointed to the ethnic advisory committee for the census, and that Rohingya are hired to conduct the census questionnaires in Arakan State.

To the World Bank, Asian Development Bank, and Other Donors:

- Ensure that any future development projects in Arakan State are explicitly conditioned on non-discrimination in provision of assistance and take into account the impact of planned projects on both Rohingya and Arakanese communities.
- Ensure that any future development projects in Arakan State do not discriminate in any way against Rohingya on the basis that they are not Burmese citizens under the 1982 Citizenship Act.

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Appendix I:
History of Violence and Abuse against Rohingya

This appendix describes abusive campaigns by successive governments in Burma to marginalize and at times forcibly remove ethnic Rohingya Muslims in Arakan State.

For over two decades, United Nations institutions have extensively documented human rights violations against the Rohingya in Burma, including forced displacement and deportation.[400] UN agencies and special rapporteurs have consistently documented abuses such as killings, rape, property destruction, and forced labor of Rohingya, sometimes describing them as "systematic" and a part of state policy.[401]

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[400] See Human Rights Council, "Progress Report of the Special Rapporteur on the situation of human rights in Myanmar," A/HRC/19/67, March 7, 2012; UN General Assembly, "Situation of human rights in Myanmar," A/66/365, September 16, 2011; UN Human Rights Council, "Progress report of the Special Rapporteur on the situation of human rights in Myanmar," A/HRC/16/59, March 7, 2011; UN General Assembly, "Situation of human rights in Myanmar," A/65/368, September 15, 2010; UN General Assembly "Progress report of the Special Rapporteur on the situation of human rights in Myanmar," A/HRC/13/48, March 10, 2010; UN General Assembly, "Situation of human rights in Myanmar," A/64/318, August 24, 2009; UN General Assembly, "Human rights situations that require the council's attention," A/HRC/10/19, March 11, 2009; UN General Assembly, "Human rights situations that require the council's attention," A/HRC/7/18, March 7, 2008; UN Human Rights Council, "Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled 'Human Rights Council,'" A/HRC/4/14, February 12, 2007; UN Economic and Social Council, "Question of the violation of human rights and fundamental freedoms in any part of the world," E/CN.4/2006/34, February 7, 2006; UN General Assembly, "Situation of human rights in Myanmar," A/60/221, August 12, 2005; UN Economic and Social Council, "Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World," E/CN.4/2005/36, December 2, 2004; UN Economic and Social Council, "Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World," E/CN.4/2005/36, December 2, 2004; UN Economic and Social Council, "Question of the violation of human rights and fundamental freedoms in any part of the world," E/CN.4/2003/41, December 27, 2002; UN Economic and Social Council, "Question of the violation of human rights and fundamental freedoms in any part of the world," E/CN.4/2002/45, January 10, 2002; UN General Assembly, "Situation of human rights in Myanmar," A/56/312, August 20, 2001; "Situation of human rights in Myanmar," UN General Assembly, A/55/359, August 22, 2000; UN Economic and Social Council, "Question of the violation of human rights and fundamental freedoms in any part of the world," E/CN.4/2000/38, January 24, 2000; UN General Assembly, "Situation of human rights in Myanmar," A/54/440, October 4, 1999; UN General Assembly, "Human rights questions: Human rights situations and reports of the special rapporteurs and representatives," A/52/484, October 16, 1997; UN Economic and Social Council, "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories," E/CN.4/1996/65, February 6, 1996; UN General Assembly, "Human rights questions, human rights situations and reports of special rapporteurs and representatives," A/51/466, October 8, 1996; UN Economic and Social Council, "Report on the situation of Human Rights in Myanmar, prepared by Mr. Yozo Yokota, Special Rapporteur on the Commission on Human Rights, in accordance with Commission resolution 1995/72," E/CN.4/1996/65, February 5, 1996.

[401] For findings about UN knowledge of international crimes in eastern Burma, see International Human Rights Clinic at Harvard Law School, *Crimes in Burma*, May 2009, http://www.law.harvard.edu/news/2009/05/28_burma.html (accessed December 6, 2012).

Tension and animosity between the majority Buddhist population and Muslims in Arakan State can be traced at least to British colonial rule. During World War II, the predominantly ethnically Burman Burma Independence Army (BIA) fought in support of the Japanese against the British, while most of the minority ethnic nationalities, including the Rohingya Muslims, remained loyal to the British.[402] The Arakanese were one of the few ethnic minorities that joined with the BIA in fighting the Allied forces.[403] This led to violent clashes between Arakanese and Rohingya during the war, and to this day both sides speak of "massacres" and "raids" committed by each side against the other at that time.[404]

Burma obtained its independence from Britain in 1948. Shortly thereafter, a Muslim armed rebellion began in Arakan State, demanding creation of an independent Muslim state within Burma in the area that is now northern Arakan State. The Muslim rebels numbered several thousand in 1948 and then quickly dwindled to "just a handful by 1950."[405] In 1962, a coup led by Gen. Ne Win marked the beginning of decades of oppressive military rule.

Throughout military rule in Burma there were numerous Buddhist-Muslim clashes in Arakan State in which the military government led campaigns of violence against the Rohingya population. The government also adopted laws and policies that resulted in widespread discrimination and other human rights violations against the Rohingya.

In 1977, the Burmese government initiated a national census program called *Naga Min* (Dragon King) to "scrutinize each individual living in the State, designating citizens and foreigners in accordance with the law and taking actions against foreigners who have filtered into the country illegally."[406] In Arakan State, *Naga Min* metamorphosed into a targeted campaign to forcibly drive out Rohingya Muslims. The authorities conducted brutal mass arrests in house-to-house raids, violently rounding up thousands of Rohingya.[407] State

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402 There are eight distinct ethnic groups of Burma, including the majority Burman, and numerous sub-groups comprising the government's list of 135 officially recognized ethnic nationalities. The Rohingya are not recognized as an ethnic group of Burma. The eight primary groups are Arakanese, Burman, Chin, Kachin, Karen, Karreni, Mon, and Shan.

403 See Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1993), p. 64.

404 Human Rights Watch interviews with Arakanese and Rohingya, Sittwe, Arakan State, October-November 2012.

405 Bertil Lintner, *Burma in Revolt: Opium and Insurgency Since 1948 (Silkworm Books, 2000)*, p.110.

406 Statement by the Ministry for Home and Religious Affairs, November 16, 1977, quoted in Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, p. 12.

407 Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, p. 12; see also Bertil Lintner, *Burma in Revolt*, pp. 316-17.

security forces, sometimes acting in collusion with local Arakanese, committed killings and torture, and razed entire Rohingya villages.[408] Over 200,000 Rohingya fled to Bangladesh.[409] The government did not deny that violence occurred but held the Rohingya responsible, blaming it on "armed bands of Bengalis," "rampaging Bengali mobs," and "wild Muslim extremists."[410]

The Bangladesh government denied humanitarian access and withheld food aid to the Rohingya refugees to force them back to Burma, and more than 12,000 starved to death.[411] In July 1979, Burmese President Ne Win agreed to a repatriation program with Bangladesh whereby the Rohingya were forcibly returned to areas primarily in northern Arakan State, away from major Arakanese population centers. The Northern Arakan State region has increasingly become an area of religious and ethnic concentration for the Rohingya.[412]

In 1982, the military government enacted a national citizenship law that effectively stripped the Rohingya of Burmese citizenship. The following year the government published the findings of a nationwide census that excluded the Rohingya, thereby cementing their statelessness.[413] The current UN special rapporteur on Burma, Tomas Quintana observed that the 1982 Citizenship Law "contravenes generally accepted international norms to ensure that there is no State sanctioned discrimination on the basis of religion and ethnicity."[414]

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[408] Human Rights Watch, *Perilous Plight: Burma's Rohingya Take to the Seas*, May 2009, p. 6, http://www.hrw.org/reports/2009/05/26/perilous-plight-0 (accessed July 12, 2012); Human Rights Watch, *Malaysia/Burma: Living in Limbo: Burmese Rohingyas in Malaysia,* August 2000, http://www.hrw.org/legacy/reports/2000/malaysia/index.htm#TopOfPage (accessed July 12, 2012); Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*

[409] Human Rights Watch, *Malaysia/Burma: Living in Limbo: Burmese Rohingyas in Malaysia;* Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*

[410] Quoted in Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, p. 241; see also Irish Center for Human Rights, "Crimes Against Humanity in Western Burma," pp. 91-92.

[411] Alan Lindquist (head of UNHCR sub-office in Cox's Bazaar in 1978), "Report on the 1978-1979 Bangladesh Refugee Relief Operation," June 1979. Lindquist states on p. 9: "None of the U.N. agency heads raised any objection to using food as a political weapon." See also Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, p. 3.

[412] Carl Grundy-Warrand and Elaine Wong,"Sanctuary Under a Plastic Sheet: The Unresolved Problem of Rohingya Refugees," IBRU Boundary and Security Bulletin, vol. 5, no. 3, Autumn 1997, pp. 79-91; Human Rights Watch, *Perilous Plight: Burma's Rohingya Take to the Seas*, p. 6.

[413] For more information on the 1982 Citizenship Law, see chapter VII of this report; see also Human Rights Watch, *"The Government Could Have Stopped This,"* pp. 45-48.

[414] UN special rapporteur on Burma, Tomas Ojea Quintana, "Progress report of the Special Rapporteur on the situation of human rights in Myanmar," UN General Assembly, A/HRC/13/48, March 10, 2010.

In the early 1990s the military dramatically increased its presence in northern Arakan State, constructing roads and barracks with forced labor, confiscating land and property, and forcibly deporting some Rohingya to Bangladesh, while transferring others from various townships to northern Arakan State.[415] The security forces were also implicated in summary executions, rape, and torture. Mosques were destroyed by the state—and in some cases replaced with Buddhist temples—and Muslim religious activities were banned.[416] Continuing abuses caused Rohingya at times to flee to Bangladesh at the rate of several thousand per day.[417]

The abuses against the Rohingya were very different in character from those occurring during this period against other ethnic minority populations. Elsewhere the Burmese army was engaged in often long-running armed conflicts with ethnic armed groups, and the unlawful attacks on those civilian populations grew out of those conflicts. In the case of the Rohingya, non-state armed groups called the Rohingya Solidarity Organization (RSO) and the Arakan Rohingya Islamic Front (ARIF) were established in northern Arakan State in 1982 and 1987, respectively, but these groups and others never posed a serious threat to the Burmese military state, their principal target, nor to Burmese society.[418] The Rohingya armed element was "small and not a significant fighting force comparable to the Karen guerrillas or other insurgent armies in the east."[419] Instead, the Burmese security forces committed widespread abuses targeting the Rohingya population in an apparent effort to force their relocation. As Human Rights Watch noted in a 1992 report, the government did "not even attempt to justify the campaign against the Rohingya in terms of counterinsurgency."[420]

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[415] Human Rights Watch, *Burma: Rape, Forced Labor, and Religious Persecution in Northern Arakan*, May 7, 1992, p. 1, http://www.hrw.org/reports/pdfs/b/burma/burma925.pdf (accessed April 10, 2013). Ibid. p.

[416] See Medecins San Frontieres, *10 Years for the Rohingya Refugees in Bangladesh: Past, Present, and Future*, March 2002, pp. 10-11, http://www.doctorswithoutborders.org/publications/reports/2002/rohingya_report.pdf (accessed April 10, 2013); Human Rights Watch, *Burma: Rape, Forced Labor, and Religious Persecution in Northern Arakan*, May 7, 1992, p. 16-21.

[417] Human Rights Watch, *Burma: Rape, Forced Labor, and Religious Persecution in Northern Arakan*, May 7, 1992, p. 1, http://www.hrw.org/reports/pdfs/b/burma/burma925.pdf (accessed April 10, 2013).

[418] Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, pp. 194-195, 241; Human Rights Watch, *Burma: Rohingya Muslims: Ending a Cycle of Exodus?*, p. 14.

[419] Ibid. p. 2.

[420] Ibid. p. 2.

Between mid-1991 and early 1992, more than a quarter million Rohingya crossed the Naf River into Teknaf and Cox's Bazaar in Bangladesh. Bangladesh was again hostile to the asylum seekers and forced them into squalid refugee settlements.[421]

In 1992, the Burmese government established Nay-Sat Kut-kwey Ye (Nasaka), a border guard force comprising the army, police, immigration, and customs officials. Nasaka enforces many of the restrictions against the Rohingya in Arakan State, particularly in the predominantly Muslim townships of northern Arakan State. Nasaka has law enforcement, military, and administrative authority, unlike other security forces in the country.

From late 1992 through 1993, Bangladesh forcibly repatriated approximately 50,000 Rohingya to Burma by mistreating those in the camps through beatings, the denial of food rations, and other abuses.[422] The vast majority who returned to Burma were believed to have done so involuntarily, and the United Nations High Commissioner for Refugees (UNHCR), the UN refugee agency was unable to trace them upon their return.[423] Burmese troops receiving them used excessive force, including killings.[424]

In 1994, UNHCR established a small field presence in Arakan State and started promoting mass repatriation on the grounds that the situation was conducive to return. These repatriations occurred alongside the wide-scale forced transfer of Rohingya from the state capital, Sittwe, and other areas to Maungdaw and Buthidaung in northern Arakan State.[425]

Lt. Gen. Mya Thinn, then minister for home affairs, informed the UN special rapporteur on human rights in Burma that Arakan State's Muslims were ineligible for citizenship under the 1982 law and that they were not even registered as so-called foreign residents. As a result their status did not permit them to travel within the country.[426]

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[421] Ibid; Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*; U.S. Committee for Refugees, "The Return of the Rohingya Refugees to Burma: Voluntary Repatriation or Refoulement?" Washington, DC, 1995.

[422] Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*

[423] Ibid.

[424] Human Rights Watch, *The Rohingya Muslims: Ending a Cycle of Exodus?*; U.S. Committee for Refugees, "The Return of the Rohingya Refugees to Burma: Voluntary Repatriation or Refoulement?" Washington, DC, 1995.

[425] UN Economic and Social Council, "Situation of Human Rights in Myanmar," prepared by Mr. Yozo Yokota, E/CN.4/1995/65, January 12, 1995p. 27-28.

[426] UN Economic and Social Council, "Report on the situation of Human Rights in Myanmar, prepared by Mr. Yozo Yokota, Special Rapporteur on the Commission on Human Rights, in accordance with Commission resolution 1995/72," E/CN.4/1996/65, February 5, 1996.

In addition to the violent abuses, Rohingya in Arakan State have been subjected to "racially based restrictions." Reports by UN rapporteurs dating back to 1996 have described the restrictions as "severe" and "unreasonable." The 1996 special rapporteur report concluded, "The Government's policy violates freedom of movement and residence and, in some cases, constitutes discriminatory practices based on ethnic considerations."[427]

The special rapporteur Rajsoomer Lallah in January 2000 reported that there were six major circumstances that led to massive outflows of Rohingya from Burma— conditions that would amount to unlawful deportation:

> (1) The lack of citizenship and, by extension, nationality rights; (2) Imposed restrictions on movement by the [Burmese] authorities; (3) Forced labor and portering for the army; (4) Compulsory food donations, extortion and arbitrary taxation; (5) Land confiscation or relocation; and (6) Deliberate food (rice) shortages in combination with high prices. These factors, coupled with systematic human rights violations and imposed underdevelopment, led to the mass exodus of Rohingyas.[428]

In 2001, mobs attacked Muslim communities in various parts of the country, with the most violent clashes happening in Sittwe. Arakanese targeted mosques and other structures, and there were "an unknown number of deaths and injuries and widespread looting and destruction of property."[429] In July 2002, at least 28 mosques and madrassas were destroyed. State security forces failed to intervene, and in some cases participated in the violence.[430] In January 2002, Sergio Pinheiro, then UN special rapporteur on human rights in Burma, reported that, "in some cases, tensions may have been encouraged by local authorities who intervened only at a late stage to stop the violence."[431]

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427 "Human rights questions, human rights situations and reports of special rapporteurs and representatives," UN General Assembly, A/51/466, October 8, 1996, p. 36.

428 "Question of the violation of human rights and fundamental freedoms in any part of the world," UN Economic and Social Council, Situation of human rights in Myanmar, E/CN.4/2000/38, January 24, 2000, p. 14.

429 UN Economic and Social Council, "Question of the violation of human rights and fundamental freedoms in any part of the world," E/CN.4/2002/45, January 10, 2002, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/100/65/PDF/G0210065.pdf?OpenElement (accessed November 28, 2012).

430 Human Rights Watch, *Crackdown on Burmese Muslims*, pp. 10-11.

431 UN Economic and Social Council, "Question of the violation of human rights and fundamental freedoms in any part of the world," E/CN.4/2002/45, January 10, 2002, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/100/65/PDF/G0210065.pdf?OpenElement (accessed November 28, 2012).

Beyond these waves of violence, state security forces have routinely conscripted Rohingya for forced labor, and have committed killings, rape, torture, land confiscation, forced relocations, and arbitrary taxation. The systematic denial of citizenship rights has facilitated unlawful restrictions on movement, education, marriage, employment, and other aspects of daily life.[432]

UN Special Rapporteur Quintana reported in 2010:

> Discrimination [against the Rohingya] leads to forced deportation and restriction of movement owing to the enduring condition of statelessness, which is the result of the Rohingyas' historic difficulty in obtaining citizenship, particularly following the enactment of the 1982 Citizenship Act. Acts of land confiscation, forced relocation and eviction through violent means also appear to be widespread and systematic. Finally, discrimination leads to persecution, which can be defined as intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.[433]

Concerns about systematic violations against the Rohingya in Arakan State persisted prior to the onset of violence in Arakan State in June 2012. According to a UN official, in 2012 the Nasaka arbitrarily detained between 2,000 and 2,500 Rohingya for "offenses" such as repairing homes without permission.[434] Those in custody were often beaten and mistreated, and could only secure their release through payments to Nasaka commanders, usually through brokers or middlemen.[435]

In March 2012, three months before the onset of violence, the UN special rapporteur reported to the UN Human Rights Council about the "denial of citizenship [of Rohingya],

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[432] See, e.g., The Arakan Project, *Forced Labour Still Prevails: An Overview of Forced Labour Practices in North Arakan, Burma*, May 30, 2012, http://www.burmapartnership.org/2012/05/forced-labour-still-prevails-an-overview-of-forced-labour-practices/ (accessed April 10, 2013); Irish Center for Human Rights, *Crimes Against Humanity in Western Burma: The Situation of the Rohingyas*, 2010; See Amnesty International, *Union of Myanmar (Burma): Human Rights Violations against Muslims in Northern Rakhine (Arakan) State*, May 1992; Asia Watch, *Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan*, a Human Rights Watch Short Report, vol.4, no. 13, May 1992.

[433] "Situation of human rights in Myanmar," UN General Assembly, A/65/368, September 15, 2010, pp. 16-17.

[434] Human Rights Watch interview A.E., Rangoon, Burma, June 2012; see also Human Rights Watch, "*The Government Could Have Stopped This*," p. 16.

[435] Human Rights Watch interview A.E., Rangoon, Burma, June 2012.

restrictions on their freedom of movement, marriage restrictions and other discriminatory policies." He noted that "tens of thousands of children remain unregistered" as a matter of policy, and are thus stateless.[436]

The documentation of abuses by local and international nongovernmental organizations, as well as UN institutions, made clear the severity of the problems, but the abuses against the Rohingya continued.

[436] UN special rapporteur on human rights in Burma, Tomas Ojea Quintana, "Progress Report of the Special Rapporteur on the situation of human rights in Myanmar," UN Human Rights Council, A/HRC/19/67, March 7, 2012.

Appendix II:

Reply from the Burmese Government to Questions Submitted by Human Rights Watch to President Thein Sein – March 27, 2013

/BORDER AFFAIRS FAX NO. :067409448 26 Feb. 2013 1:54 P9

9/14

Answers for English version on Human Rights Watch (HRW) Questions

Answer for the question No.1

1. The information and news that the Myanmar Police Force used the excessive force and abused their power when they handled the conflict to ensure the security and safety of the people during the conflict happened in June 2012 were unfounded and not true information. Since the criminal atrocities of 3 Bengalis who raped and murderedMs Thida Htwe, aRakhine local of Kyauknimaw village, Yanbyay township, in Kyaukphyu district, Rakhine State on 28-5-2012, Myanmar Police Force took actions according to the existing Laws, Rules and regulations and arrests were madewithout discrimination of the race and religionsto those who committed the following terrorist acts and atrocities committed by the Bengalis, the murders committed by the both community, torching and burning the houses of both communities.

2. To ensure the security and safety of the people, the security forces also took security measures day and night without taking sides and without discrimination of race and religion. Mainly the army (Tatmataw), Myanmar Police Force and the police forces under the command of the No. 6 Police battalion and the forces under the command of NaSaKa (Border Immigration Control Head Quarters) were stationed in the areas and towns where the conflict between Rakhine and Bengalis could happen. In doing so, the numbers of police stations were increased and where necessary the new police stations were formed and established.

(a) **Upgrade the level of the Police Station:** The 8 police stations in Mrauk Oo, Kyauktaw, Sittway, Rathedaung, Minbya, Buthidaung and Ranbyay townships were upgraded.

(b) **Setting up of the new police stations :** The total of 30 police stations were set up and established; Among them 8 in Sittway district, 14 in Maungdaw district, 5 in Thantway district, 3 in Kyaukphyu district.

(c) **Formation of new police battalion:** New police battalions were formed and stationed one in each town of Mrauk Oo, KyaukPhyu, and Thantway township.

3. In addition to the measures/actions above, in order to prevent further atrocities, the Government declared Article 144 of the Criminal Code of Law. Those who breached against the Article 144 Law were arrested and took legal actions in

accordance with the law without discrimination of race and religion. The followings are the cases of arrest those who broke the emergency Law.

(a) Total number of arrests, (73) cases

(b) Among those of total 151 arrested, there were 99 Rakhines, 17 Muslims, and 35 others.

4. As it was found in early assessment, the cause of the high casualties was because of the use of arms and weapons made locally even before the conflict started in Rakhine State, since the conflict started the locally made arms and weapons were searched and seized. Moreover the announcement was declared on October 30, 2012 at 20:00 hrsto turn the local made arms and weapons to the nearest security forces and seized the weapons without discrimination of race and religion. The following local made weapons were seized.

(a) Before the announcement was declared, 180 percussion Lock firearms, 3 swords, 7 spears, 1 arrow bow, 21 bayonets, 3 catapults were seized.

(b) After the announcement, 625 percussion lock firearms, 176 swords, 607 spears, 118 bows, 710 arrows, 1725 bayonets, 438 catapults were seized.

(c) Thus the total number of seized weapons are 805 percussion lock firearms, 179 swords, 614 spears, 119 arrow bows, 710 arrows, 1746 bayonets, and 441 catapults.

5. Therefore, in order to restore laws and order and to promote peace and tranquility in wide areas of Rakhine State and not to escalate further conflicts and terror acts, Myanmar Police Force took security measures step by step, by reinforcing the police forces, Security Police battalions, increase the number of field police stations, by campaigning police forces among the people Myanmar demonstrated law and order restoration, security forces took prompt action by visiting the scenes when the incidents occurred, those who committed crimes were taken actions according to the existing rules and regulations without discrimination of rules and regulation.

Answer for the question No.2

6. Since the conflict started in June 2012, the total casualties are 211; among them 59 Rakhines and 152 Bengalis. And the total 270 were injured, among them 153

22/15

11/14

were Rakhines and 117 were Bengalis. The government used the method of collecting data of casualties of death and injured, by collecting information and data from both sides of the conflicted parties and from townships and villages, ten households and hospitals,.

Answer for the question no. 3

7. Regarding to the funerals of dead bodies because of the sectarian conflict, in order to avoid unnecessary problem, although the dead bodies of Rakhine were buried in MansiCementary before, they were cremated in AkyeiktawkoneCemetry as there are Bengli villages and refugee camps along the road to the MansiCementary. The dead bodies of Bengalis were buried in their religious cemeteries with the arrangement of Rakhine State government.

Answer for the question No. 4

8. In connection with the sectarian violence since June 2012, 875 Bengalis and 245 Rakhines have been arrested.The total of 1158 were prosecuted at the court; among them were 875 of Bengalis, 245 Rakhines, other ethnics 38. Eight were released from custody.

Answer for the question no.5

9. Since June 2012, in connection with the sectarian violence there were 268 criminal cases have been reported and prosecuted. Among them 221 cases were filed in the court to prosecute, 10 cases were acquitted, 37 cases still remain to file a suit in the court and the 115 cases have already receied the verdicts by the court.Among those of defendants who got sentence, 93 Bengalis (87 Male and 6 female) ,130 Rakhines (128 Males and 2 females) and 30 other ethnics. All the sentenced defendants are now serving their sentence in respective prisons in Sittway and Buthidaung.

Answer for the question no. 6

10. There is no one died while detained in connection with the sectarian violence in Rakhine State.

Answer for the question No.7

11. Tangible and large amount of humanitarian assistances are still in need at the IDPs camps in Rakhine State, especially for Rohingyas and Kaman muslims and aids that have been provided to these camps are not sufficient enough. It is only because of the needs in the sectors of living and food at the refugee camps. At the refugee camps, not only IDPs who fled away from their original houses due to the situation of the conflict but also the ones who are not able to earn their normal livelihood due to anxiety are mixed. Therefore, although the Government and international organizations are giving necessary aids, it is still insufficient.

12. The Government and the Rakhine State Government have been solving the necessities and difficulties of the IDPs by organizing various relief and resettlement committees. In addition, arrangements are being made to resettle these IDPs at the safe and secure buildings before the rainy season. At the first stage, those IDPs were settled at the temporary tents and then, they are temporarily being allocated in the 10-household shelters and 8-household shelters which are built with cash and kind donated by domestic well-wishers throughout the country and cash and kind contributed by foreign countries and international agencies under the arrangement of the Ministry of Social Welfare, Relief and Resettlement. By the cash donation, necessary foodstuff and basic needs are being distributed to those camps by the close supervision of the Rakhine State Government. However, it is not sufficient enough and continuous support from international community is still in need for them.

Answer for the question No.8

13. The first priority is given upon permanent houses for those refugees. In doing so, by the resources of the Government budget, domestic cash donation, assistances from foreign countries and international agencies, measures settlement to the original places for Rohingyas, Kaman muslims and Rakhine ethnics and measures to begin their livelihood are being undertaken. In carrying out these measures, long-columned houses in the villages and wards where the violence did not occur in a large scale, short-columned houses, rural health centres for health care, basic education primary schools for education, agricultural inputs and equipment to resume back their livelihood and fishing accessories for fishermen will be provided before the rainy season by the assistances of India and Turkey.

22/22

Answer for the question No.9

14. The Government and the Rakhine State Government are still proceeding with the arrangements made by humanitarian organizations and both the Government and the Rakhine State Government did not reduce upon these arrangements. The Government, the Rakhine State Government and international agencies are co-operating hand in hand for the measures of prevention from fleeing houses, rule of law in the rural areas and urban areas, solution to present IDPs and people who cannot earn their living as normally due to worry for their livelihood and resettlement, arrangements to negotiate and reconcile between Rakhine ethnics and Bengalis representations, necessary social assistances and medicines and women and child care activities. It is necessary to get assistance by international agencies and foreign countries more and more as the quantity of refugees is very large.

Answer for the question no. 10

15. The armed force, police force and militias handled the conflicts between the two communities in accordance with the existing laws, rules and regulations taking care of providingsecurity in order to restore law and order and tranquility. The challenges the relevant authorities faced were the unfounded bias media accuses inside and outside the country. However these challenges were overcome by solving the conflict peacefully in accordance by the law.

Answer for the question no. 11

16. In prosecuting alleged perpetrators of violence in Rakhine State, the justice system faced the challenges of attack by the media inside and outside country. The Police Force in Rakhine State overcomed these challenges by prosecuting the accused of those who committed the crimes in sectarian violence in accordance with existing laws, rules and regulations.

Answer for the question no. 12

17. Nasaka is an institution is comprised mainly Myanmar armed forces and Lon Htein, and Lon Htein is formed with Myanmar Police Force. Myanmar armed forced (Tetmataw) is an established institute with well and strong disciplines and Myanmar Police Force is also an institute with police disciplines to abide. As they are well disciplined armed institutes, they have to execute their duties and responsibilities by

15/15

following the orders and directions. Moreover they have to do their duties and functions by respecting existing Laws and regulations and the regional rules and regulations. In connection with the sectarian violence in June 2012 in Rakhine State, Myanmar Police Force in Rakhine State took legal actions on those who were accused of committing crimes in the communal violence by prosecuting them by filing the suit in the court depending the crimes they committed and abiding by the laws, rules and regulation. For those who took part in the riots and violence, Myanmar Police Force took the necessary measures and followed the practical rules and instructions of manual to prevent the civil strife and manual of dealing with riots.

Answers for English version on Human Rights Watch (HRW) Questions

Answer for the question No.13

1. The Republic of the Union of Myanmar is bordering with Land borders such as India and Bangladesh countries since time in memorial one country another.

2. In 1824, first Inglo- Burma war happened and Rakhine and Tanitariregions being Myanmar's territory were ruled as one part of India. And then, Rakhine region was allocated into west Benglar because most of Muslin People entered Rakhine State and settled there.

3. In 1885, the whole Myanmar Nation was allocated under the British rule Majority of Indian Nationals from India entered Myanmar to extend agriculture, to build railways and roads, to carry out load and unload in respective ports, to point relevant staff in the English Army and Governmental Office, to do trade.

4. Rakhine State is bordering with Bangladesh territory. So, Seasonal workers so called farm labor from Bangladesh were called and they returned to the original places at the end of the respective seasons and they settled later than on there. Muslin People coming from Bangladesh were Bengali People.

5. There has never been any Rohinger People in Rakhine State according to the records of our Ministry.

6. At Gazettes of the British Colonial era, they were mentioned as Bangladeshi and according to the 1973 Nation-wide Census, and 1983 Nation-wide Census, Rohinger People have not been in Myanmar. In addition to, there has not been written in the official records and household registration list.

7. They were not native and their names were also foreigners' names such as China, India, Pakistan, Bengali and Nepal nationalities. We would like to explain that Rohinger People did not include in the (100) ethnic Groups of Myanmar.That is why, Rohinger people in the Rakhine State were BengaliPeople coming from Bangladesh in every era.

Answer for the question No.14

8. Not to be Stateless persons for Bengali People because of they are not allowed to enter Bangladesh although Bangladesh nationals are the same religions with Bengali People from Rakhine State in Myanmar.

9. They have been specified currently as those who are living in Myanmar in live with the provisions according to the International norms and International Convention. According to the verification for those who are living in Myanmar, we will allow them to live in Myanmar continuously.

10. Furthermore, they can live together with long term without being any incidents with Local people if they are with the same culture of the Myanmar, nationals, Life styles and Myanmar Custom. That is why, firstly, we must be coordinated them with the adaptation of Myanmar Nationals' custom, Life styles of Myanmar people. And, secondly, we need to verify whether they are living in Myanmar continuously or not. Only when, we can obtain corrective and exact Population List (or) data. After that, thirdly, we can carryout to make registration those who are living in Myanmar according to the existing Laws.

11. After making the Registration for those who are living in Myanmar continuously, fourthly, we would like to explain that we will verify whether who are Myanmar Citizenship or not with the existing 1982 Myanmar Citizenship Law practicing currently.

Appendix III:
Letter with Questions from Human Rights Watch to President Thein Sein – January 29, 2013

January 29, 2013

President Thein Sein
Office of the President
Nay Pi Taw, Myanmar

Dear President Thein Sein,

Human Rights Watch is a nongovernmental organization based in New York that monitors violations of human rights by states and non-state actors in more than 90 countries around the world.

Human Rights Watch is preparing a report regarding the situation in Arakan State. Our report explores issues of sectarian violence, killings, forced displacement, and access to humanitarian assistance. The report is based in part on in-depth interviews conducted with ethnic Arakanese and Rohingya civilians in Arakan State and Bangladesh.

We are writing to ensure that our report properly reflects the views, policies, and practices of the government of the Republic of the Union of Myanmar regarding the events in Arakan State.

Human Rights Watch is committed to producing material that is well-informed and objective. We hope you or your staff will respond in a timely way to the attached questions so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by February 18, 2013.

Please do not hesitate to send to us any other materials, statistics, and information about government actions regarding the violence between the Arakanese and the Rohingya populations in Arakan State that you think will be relevant.
We look forward to having a dialogue and engagement in pursuit of human rights issues with the government of Myanmar.

Thank you for your time in addressing these urgent matters.

Sincerely,

Brad Adams
Director
Asia Division

Cc:

Lieutenant General Ko Ko, Minister of Home Affairs

U Wunna Maung Lwin, Minister of Foreign Affairs

Major General Thein Htay, Minister of Border Affairs

Ko Ko Hlaing, Chief Political Advisor to the President's Office

U Ye Htut, Deputy Minister for the Ministry of Information

Questions from Human Rights Watch to the Government of the Republic of the Union of Myanmar

1. During the June 2012 violence in Arakan State, Human Rights Watch reported on abuses by government security forces. What specific actions did the government take after June 2012 to prevent the resurgence of sectarian violence and abuses by state security forces in Arakan State? What steps are being taken now to prevent further violence after the events in October 2012?

2. Please provide information about the number of deaths and injured of all ethnic groups in Arakan State since June 2012. What method is the government using to record deaths and injuries?

3. What did the authorities do with the bodies of those killed during the sectarian violence in Arakan State? What was the procedure for handling the bodies? Where are the location(s) of the bodies?

4. How many Rohingya and Arakanese have been arrested in connection with the sectarian violence since June? How many have been charged with offenses and how many have been released from custody?

5. How many cases connected to the sectarian violence since June 2012 are being prosecuted? Please provide a list including details of the cases, information about the defendants, the charges brought, and the locations of the defendants.

6. Have any persons detained in connection with the sectarian violence in Arakan State died in custody? If so, please explain the cause of death in each case.

7. It is our understanding that significant and severe humanitarian needs persist in camps of internally displaced persons (IDPs) in Arakan State, especially those camps housing Rohingya and Kaman Muslims. Do you believe the aid reaching the camps is adequate or not? If not, why not? What steps are the government taking to ensure sufficient aid can reach the camps?

8. How will the government facilitate the return of displaced Rohingya, Kaman Muslims, and Buddhist Arakanese, to their homes in Arakan State. What provisions of assistance will be provided for basic needs and to re-start their lives? What is the estimated timeline for these activities?

9. It is our understanding that the government has reduced the permissible programs of several humanitarian organizations operating in Arakan State since the violence began in June 2012. Why were their programs reduced? What steps are being taken to ensure that communities not displaced by the violence get sufficient assistance?

10. What challenges are faced by the relevant authorities to investigate and prosecute abuses during the sectarian violence in Arakan State in which state security forces – including members of the armed forces, police and militias – were implicated? How are these challenges being overcome?

11. What challenges does the justice system face in prosecuting alleged perpetrators of violence in Arakan State? How are these challenges being overcome?

12. What is the disciplinary structure within Nasaka, Lon Thein, and the Burmese armed forces? Please describe specific examples of its use, with specific reference to instances in Arakan State since June 2012.

13. Please explain why the government refers to the ethnic Rohingya population in Arakan State as "Bengali," and "so-called Rohingya"?

14. In a statement released on November 18, 2012, prior to US President Barack Obama's visit, President Thein Sein stated with respect to the situation in Arakan State that the government would "address contentious political dimensions, ranging from resettlement of displaced populations to granting of citizenship." Can you please explain how the government intends to address the issue of legal status and citizenship for Rohingya?

Glossary of Terms

ALD	Arakan League for Democracy
ALP	Arakan Liberation Party
ARIF	Arakan Rohingya Islamic Front
BIA	Burma Independence Army
IDP	Internally Displaced Person
ICTY	International Criminal Tribunals for the former Yugoslavia
ICTR	International Criminal Tribunals for Rwanda
INGO	International Non-Governmental Organization
Lon Thein	Riot police
MNHRC	Myanmar National Human Rights Commission
MSF	Medecins Sans Frontieres
Nasaka (or Nay Sat Kut Kwey Ye)	the interagency border guard force comprising military, police, immigration, and customs
NDPD	National Democratic Party for Development
NDPHR	National Democratic Party for Human Rights
NHRI	National Human Rights Institution
NLD	National League for Democracy
NGO	Non-Governmental Organization
OIC	Organization of Islamic Cooperation
RNDP	Rakhine Nationalities Development Party
RSO	Rohingya Solidarity Organization
Sangha	the Buddhist order of monks
SLORC	State Law and Order Restoration Council
Tatmadaw	the Burmese army
UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOHCHR	United Nations Office of the High Commission for Human Rights
USDP	Union State and Development Party

“All You Can Do is Pray”

Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma’s Arakan State

In June 2012, deadly violence erupted between Arakanese Buddhists and Rohingya Muslims in four townships of Burma’s Arakan State. When violence resumed in October, it engulfed nine more townships and became a coordinated campaign to forcibly relocate or remove the state’s Muslims.

“All You Can Do is Pray” is based on more than 100 interviews with Rohingya and Kaman Muslims, Arakanese, and others in Burma. It describes how Arakanese political party operatives, the Arakanese Buddhist *sangha* (order of monks), and ordinary citizens cooperated in violence against Muslims, at times supported by government officials and state security forces. Entire Muslim villages, homes, businesses, and mosques were razed and scores of Rohingya men, women, and children were killed. Human Rights Watch has new evidence of the existence of four mass-grave sites in Arakan State.

The Rohingya have been effectively denied citizenship under Burma’s 1982 Citizenship Law, rendering them stateless. At least 125,000 Rohingya are living in overcrowded camps that lack adequate food, shelter, water and sanitation, and medical care, and tens of thousands of others have fled the country by sea.

Many of the crimes documented in this report amount to crimes against humanity carried out as part of a campaign of ethnic cleansing. Human Rights Watch calls on the Burmese government to urgently end abuses by state security forces and punish those responsible, ensure access to humanitarian organizations, and amend discriminatory provisions in its citizenship law.



Ethnic Arakanese with weapons walking away from a village in flames while a soldier stands by. Arakan State, Burma, June 2012.

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